

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

UNITED STATES OF AMERICA,	)	CRIMINAL
	)	
Plaintiff,	)	McAllen, Texas
	)	Friday, May 1, 2009
vs.	)	(10:06 a.m. to 12:05 p.m.)
	)	
YOLANDA TOVAR,	)	CASE NO: M-04-CR- 290-27
JAIME LEE TREVINO,	)	CASE NO: M-08-CR-1241-15
JOSE JOAQUIN MORALES,	)	CASE NO: M-08-CR-1242
HECTOR MANUEL JIMENEZ,	)	CASE NO: M-08-CR-1695
JOSE ALFREDO RODRIGUEZ,	)	CASE NO: M-08-CR-1751-4
JESUS MARIA PEREZ,	)	CASE NO: M-09-CR- 007
RAMON PADILLA, JR.,	)	CASE NO: M-09-CR- 120-2
SERGIO LUIS FERNANDEZ,	)	CASE NO: M-09-CR- 120-3
ANITA CHRISTINE DEPLANTY,	)	CASE NO: M-09-CR- 262
JOSE ORIOL HERNANDEZ-VASQUEZ,	)	CASE NO(s): M-09-MJ-2443
	)	M-09-CR- 548
ROBERTO JASON PINA,	)	CASE NO(s): M-09-MJ-2552
	)	M-09-CR- 547
	)	
<u>Defendants.</u>	)	

REARRAIGNMENT

BEFORE THE HONORABLE RANDY CRANE,  
UNITED STATES DISTRICT JUDGE

Appearances:	See Next Page
Interpreter:	Elena Medrano
Court Recorder:	Richard Cortez
Transcribed by:	Exceptional Reporting Services, Inc. 14493 S. Padre Island Drive Suite A-400 Corpus Christi, TX 78418-5940 361 949-2988

Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

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Plaintiff: CAROLYN FERKO, ESQ.  
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APPEARANCES FOR: (CONTINUED)

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1 McAllen, Texas; Friday, May 1, 2009; 10:06 a.m.

2 (Official Interpreter Utilized for Translation)

3 (Call to Order)

4 THE COURT: Let's see. 04-CR-290-27, *U.S.A. versus*  
5 *Yolanda Tovar*.

6 MS. FERKO: The Government present and ready.

7 MR. QUINTANILLA: We're ready, your Honor.

8 THE COURT: There's not a lot of them. Okay, and  
9 then 08-1241-15, *U.S.A. versus Jaime Lee Trevino*?

10 MR. ALANIZ: The Government is present and ready.

11 MR. MERINO: Ready, Judge.

12 THE COURT: Ms. Tovar, you understand English?

13 DEFENDANT TOVAR: Yes.

14 THE COURT: Okay, and Mr. Trevino, you also  
15 understand English?

16 DEFENDANT TREVINO: Yes, your Honor.

17 THE COURT: 08-1242, *U.S.A. versus Jose Joaquin*  
18 *Morales*.

19 MS. FERKO: The Government is present and ready.

20 THE COURT: 08-1695, *U.S.A. versus Hector Manuel*  
21 *Jimenez*.

22 MS. ALLEN-MCCOY: The Government is present and  
23 ready.

24 MR. GUERRERO: Mr. Jimenez is ready, your Honor.

25 THE COURT: 08-1751-4, *U.S.A. versus Jose Alfredo*

1 *Rodriguez.*

2 **MR. WELLS:** The Government is present and ready.

3 **MR. QUINTANA:** He's ready, your Honor.

4 **THE COURT:** 09-007, *U.S.A. versus Jesus Maria Perez.*

5 **MR. ALANIZ:** The Government is present and ready.

6 **MR. BRYAN:** Your Honor, he's present and ready.

7 **THE COURT:** 09-120-2, *U.S.A. versus Ramon Padilla.*

8 **MS. FERKO:** The Government present and ready.

9 **MR. RODRIGUEZ:** He's present and ready, Judge.

10 **THE COURT:** 09-120-3, *U.S.A. versus Sergio Luis*

11 *Fernandez.*

12 **MS. FERKO:** Government present and ready.

13 **MR. YZAGUIRRE:** He's present and ready, your Honor.

14 **THE COURT:** 09-262, *U.S.A. versus Anita Christine*

15 *Deplanty.*

16 **MS. ALLEN-MCCOY:** The Government is present and  
17 ready.

18 **MR. BRYAN:** Your Honor, she's present and ready.

19 **THE COURT:** 09-548, *U.S.A. versus Jose Oriol*

20 *Hernandez-Vasquez.*

21 **MS. FERKO:** Government present and ready.

22 **MR. BRYAN:** Your Honor, Mr. Hernandez is present and  
23 ready. He needs the service of an interpreter. That would be  
24 a plea to the information, your Honor.

25 **THE COURT:** And finally 09-547, *U.S.A. versus Roberto*

1 *Jason Pina.*

2 **MS. RIGNEY:** Government is present and ready.

3 **MR. BRYAN:** Your Honor, Mr. Pina is also present and  
4 ready; and I've got all his pretrial information, your Honor.

5 **THE COURT:** Okay. Is there anybody I didn't call?

6 **(No audible response)**

7 No. Everybody -- okay.

8 Okay. I need to have the oath administered to all of  
9 you, so if everybody at this time would please raise your right  
10 hand.

11 **(Defendants sworn)**

12 **THE COURT:** Okay. And you're not --

13 Well, first of all, there's a dozen of you. All of  
14 your cases are unique cases. You're going to be treated  
15 individually as you proceed through the federal court system.  
16 I'm hearing all of your cases together this morning because I'm  
17 going to ask the same questions to each of you and so it's more  
18 efficient that I proceed in this fashion.

19 Your answers to my questions, though, are largely  
20 going to be different because each of your cases is a little  
21 bit different. And it's important that the court reporter  
22 accurately records who's answering and what you're saying. So  
23 from this point forward, wait until I call your name before you  
24 give me an answer.

25 You're now all under oath. This means you're

1 required to answer my questions truthfully. If you did not  
2 answer all of my questions truthfully, you could be later  
3 prosecuted in a separate action for committing perjury or for  
4 making a false statement.

5 Do you understand this, Ms. Tovar?

6 **DEFENDANT TOVAR:** Yes, your Honor.

7 **THE COURT:** Mr. Trevino?

8 **DEFENDANT TREVINO:** Yes, your Honor.

9 **THE COURT:** Mr. Morales?

10 **DEFENDANT MORALES:** Yes, sir.

11 **THE COURT:** Mr. Jimenez?

12 **DEFENDANT JIMENEZ:** Yes, your Honor.

13 **THE COURT:** Mr. Rodriguez?

14 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

15 **THE COURT:** Mr. Perez?

16 **DEFENDANT PEREZ:** Yes, sir.

17 **THE COURT:** Mr. Padilla?

18 **DEFENDANT PADILLA:** Yes, your Honor.

19 **THE COURT:** Mr. Fernandez?

20 **DEFENDANT FERNANDEZ:** Yes, your Honor.

21 **THE COURT:** Mr. or Ms. Deplanty?

22 (No audible response)

23 **THE COURT:** Mr. Hernandez?

24 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes.

25 **THE COURT:** And Mr. Pina?

1                   **DEFENDANT PINA:** Yes, your Honor.

2                   **THE COURT:** Okay. I've been told that each of you  
3 intends to plead guilty to at least one of the charges that is  
4 pending against you. Before I can accept your guilty plea, I  
5 need to make certain that this is done of your own free will  
6 and in accordance with law; and that's because when you plead  
7 guilty in this country, you give up some important rights.

8                   So I'm going to explain some of these rights to you  
9 here this morning. If at any point during this process, you do  
10 not understand something that I ask or say, simply let me know  
11 and I'm happy to explain my question to you.

12                   We're going to begin with you, Ms. Tovar. What is  
13 your full and complete name?

14                   **DEFENDANT TOVAR:** Yolanda Tovar.

15                   **THE COURT:** And how old are you?

16                   **DEFENDANT TOVAR:** Thirty-two.

17                   **THE COURT:** How far did you go in school?

18                   **DEFENDANT TOVAR:** I went to the tenth grade but I got  
19 my GED.

20                   **THE COURT:** Can you read and write English?

21                   **DEFENDANT TOVAR:** Yes, sir.

22                   **THE COURT:** Are you generally in good physical  
23 health?

24                   **DEFENDANT TOVAR:** Yes, sir.

25                   **THE COURT:** Have you ever been treated for any mental



1 illness or mental disorder or for addiction to drugs of any  
2 kind?

3 **DEFENDANT TOVAR:** No, your Honor.

4 **THE COURT:** Within the past 24 hours, have you taken  
5 any drugs, pills or medicine or consumed any alcohol?

6 **DEFENDANT TOVAR:** I take a pill for depression.

7 **THE COURT:** Does that medicine affect your ability to  
8 understand my questions or to answer them clearly?

9 **DEFENDANT TOVAR:** No, your Honor.

10 **THE COURT:** Have you in fact understood all my  
11 questions and do you believe that you're competent to proceed?

12 **DEFENDANT TOVAR:** Yes, your Honor.

13 **THE COURT:** Okay. Mr. Quintanilla, do you have any  
14 reason to doubt your client's competence?

15 **MR. QUINTANILLA:** No doubt whatsoever.

16 **THE COURT:** Okay. Mr. Trevino, what's your full  
17 name?

18 **DEFENDANT TREVINO:** Jaime Lee Trevino.

19 **THE COURT:** How old are you?

20 **DEFENDANT TREVINO:** Thirty-two.

21 **THE COURT:** And how far did you go in school?

22 **DEFENDANT TREVINO:** Twelfth grade.

23 **THE COURT:** Here in United States?

24 **DEFENDANT TREVINO:** Yes, sir.

25 **THE COURT:** Can you read and write English?

1           **DEFENDANT TREVINO:** Yes, your Honor.

2           **THE COURT:** Are you generally in good physical  
3 health?

4           **DEFENDANT TREVINO:** Yes, your Honor.

5           **THE COURT:** Have you ever been treated for any mental  
6 illness, any mental disorder or for addiction to drugs of any  
7 kind?

8           **DEFENDANT TREVINO:** No, your Honor.

9           **THE COURT:** Within the past 24 hours, have you taken  
10 any drugs, pills or medicine or consumed any alcohol?

11           **DEFENDANT TREVINO:** No, your Honor.

12           **THE COURT:** Have you understood all of my questions  
13 and do you believe you're competent to proceed?

14           **DEFENDANT TREVINO:** Yes, your Honor.

15           **THE COURT:** Mr. Morales, what's your full name?

16           **DEFENDANT MORALES:** Jose Joaquin Morales.

17           **THE COURT:** I'm sorry. Mr. Merino, I didn't ask. Do  
18 you have any reason to doubt your client's competence?

19           **MR. MERINO:** No doubt as to competence.

20           **THE COURT:** Okay. Mr. Morales, how old are you?

21           **DEFENDANT MORALES:** Thirty-five.

22           **THE COURT:** How far did you go in school?

23           **DEFENDANT MORALES:** Graduated.

24           **THE COURT:** From high school?

25           **DEFENDANT MORALES:** Yes, sir.

1           **THE COURT:** What city?

2           **DEFENDANT MORALES:** Baltimore, Maryland.

3           **THE COURT:** Can you read and write English?

4           **DEFENDANT MORALES:** Yes, sir.

5           **THE COURT:** Are you generally in good physical  
6 health?

7           **DEFENDANT MORALES:** Yes, sir.

8           **THE COURT:** Have you ever been treated for any mental  
9 illness, mental disorder or for addiction to drugs of any kind?

10          **DEFENDANT MORALES:** No, sir.

11          **THE COURT:** Within the past 24 hours, have you taken  
12 any drugs, pills or medicine or consumed any alcohol?

13          **DEFENDANT MORALES:** No, sir.

14          **THE COURT:** Have you understood all my questions and  
15 do you believe you're competent to proceed?

16          **DEFENDANT MORALES:** Yes, sir.

17          **THE COURT:** Okay. Mr. Teakell, do you have any  
18 reason to doubt your client's competence?

19          **MR. TEAKELL:** No, your Honor. He is competent.

20          **THE COURT:** Okay, Mr. Jimenez, what's your full name?

21          **DEFENDANT JIMENEZ:** Hector Manuel Jimenez, sir.

22          **THE COURT:** How old are you?

23          **DEFENDANT JIMENEZ:** Twenty-one, sir.

24          **THE COURT:** How far did you go in school?

25          **DEFENDANT JIMENEZ:** I got my GED, sir.

1           **THE COURT:** And what high school did you go to?

2           **DEFENDANT JIMENEZ:** To Mac High (phonetic).

3           **THE COURT:** Can you read and write English?

4           **DEFENDANT JIMENEZ:** Yes, sir.

5           **THE COURT:** Are you generally in good physical  
6 health?

7           **DEFENDANT JIMENEZ:** Yes, sir.

8           **THE COURT:** Have you ever been treated for mental  
9 illness, mental disorder or for addiction to drugs of any kind?

10          **DEFENDANT JIMENEZ:** No, sir.

11          **THE COURT:** Within the past 24 hours, have you taken  
12 any medicine, pills or drugs or consumed any alcohol?

13          **DEFENDANT JIMENEZ:** No.

14          **THE COURT:** Have you understood all these questions  
15 and do you believe you're competent to proceed?

16          **DEFENDANT JIMENEZ:** Yes, sir.

17          **THE COURT:** Mr. Guerrero, any reason to doubt the  
18 competence of any of your clients?

19          **MR. GUERRERO:** No doubt, your Honor.

20          **THE COURT:** Mr. Rodriguez, what's your full name?

21          **DEFENDANT RODRIGUEZ:** Jose Alfredo Rodriguez.

22          **THE COURT:** How old are you?

23          **DEFENDANT RODRIGUEZ:** I'm 36.

24          **THE COURT:** And how far did you go in school?

25          **DEFENDANT RODRIGUEZ:** Graduated.

1           **THE COURT:** What high school?

2           **DEFENDANT RODRIGUEZ:** Hidalgo High School.

3           **THE COURT:** Can you read and write English?

4           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

5           **THE COURT:** Are you generally in good physical  
6 health?

7           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

8           **THE COURT:** Have you ever been treated for any mental  
9 illness or mental disorder or for addiction to drugs of any  
10 kind?

11           **DEFENDANT RODRIGUEZ:** No, your Honor.

12           **THE COURT:** Within the past 24 hours, have you taken  
13 any drugs, pills or medicine or consumed any alcohol?

14           **DEFENDANT RODRIGUEZ:** No, your Honor.

15           **THE COURT:** Have you understood all my questions and  
16 do you believe you're competent to proceed?

17           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

18           **THE COURT:** Mr. Quintana, any reason to doubt your  
19 client's competence?

20           **MR. QUINTANA:** He's competent.

21           **THE COURT:** Okay. Mr. Perez, what's your full name?

22           **DEFENDANT PEREZ:** Jesus Maria Perez.

23           **THE COURT:** How old are you?

24           **DEFENDANT PEREZ:** Fifty-one.

25           **THE COURT:** How far did you go in school?

1           **DEFENDANT PEREZ:** Tenth grade.

2           **THE COURT:** That's here in the United States?

3           **DEFENDANT PEREZ:** Yes, sir.

4           **THE COURT:** What city?

5           **DEFENDANT PEREZ:** Mission.

6           **THE COURT:** Can you read and write English?

7           **DEFENDANT PEREZ:** Yes, sir.

8           **THE COURT:** Are you generally in good physical  
9 health?

10          **DEFENDANT PEREZ:** Yes, sir.

11          **THE COURT:** Have you ever been treated for any mental  
12 illness or mental disorder or for addiction to drugs of any  
13 kind?

14          **DEFENDANT PEREZ:** No, sir.

15          **THE COURT:** Within the past 24 hours, have you taken  
16 any medicine, pills or drugs or consumed any alcohol?

17          **DEFENDANT PEREZ:** No, sir.

18          **THE COURT:** No. Have you understood all my questions  
19 and do you believe you're competent to proceed?

20          **DEFENDANT PEREZ:** Yes, sir.

21          **THE COURT:** Okay. Mr. Padilla, what's your full  
22 name?

23          **DEFENDANT PADILLA:** Ramon Padilla, Junior.

24          **THE COURT:** How old are you?

25          **DEFENDANT PADILLA:** Twenty-six.

1           **THE COURT:** How far did you go in school?

2           **DEFENDANT PADILLA:** I graduated.

3           **THE COURT:** What high school?

4           **DEFENDANT PADILLA:** Selma, in California.

5           **THE COURT:** Okay. Can you read and write English?

6           **DEFENDANT PADILLA:** Yes.

7           **THE COURT:** Are you generally in good physical  
8 health?

9           **DEFENDANT PADILLA:** Yes.

10          **THE COURT:** Have you ever been treated for any mental  
11 illness or mental disorder or for addition to drugs of any  
12 kind?

13          **DEFENDANT PADILLA:** No.

14          **THE COURT:** Within the past 24 hours, have you taken  
15 any drugs, pills or medicine or consumed any alcohol?

16          **DEFENDANT PADILLA:** A pill, a penicillin pill.

17          **THE COURT:** Just some antibiotics?

18          **DEFENDANT PADILLA:** Yes.

19          **THE COURT:** Does this medicine in any way affect your  
20 ability to understand my questions or to answer them clearly?

21          **DEFENDANT PADILLA:** No, your Honor.

22          **THE COURT:** Have you in fact understood all my  
23 questions and do you believe you're competent to proceed?

24          **DEFENDANT PADILLA:** Yes, your Honor.

25          **THE COURT:** Mr. Rodriguez, any reason to doubt your

1 client's competence?

2 **MR. RODRIGUEZ:** No such doubt, Judge.

3 **THE COURT:** Okay. Mr. Fernandez, what's your full  
4 name?

5 **DEFENDANT FERNANDEZ:** Sergio Luis Fernandez.

6 **THE COURT:** How old are you?

7 **DEFENDANT FERNANDEZ:** Forty-eight. (Repeats in  
8 Spanish)

9 **THE COURT:** And how far did you go in school?

10 **DEFENDANT FERNANDEZ:** I graduated in Mexico City.

11 (Interpreter repeats)

12 **THE COURT:** Do you understand some English?

13 **DEFENDANT FERNANDEZ:** A little.

14 **THE COURT:** Okay. Are you generally in good physical  
15 health?

16 **DEFENDANT FERNANDEZ:** Yes.

17 **THE COURT:** Have you ever been treated for any mental  
18 illness or mental disorder or for addiction to drugs?

19 **DEFENDANT FERNANDEZ:** No.

20 **THE COURT:** Within the past 24 hours, have you taken  
21 any medicine, pills or drugs or consumed any alcohol?

22 **DEFENDANT FERNANDEZ:** No.

23 **THE COURT:** Have you understood all these questions  
24 and do you believe you're competent to proceed?

25 **DEFENDANT FERNANDEZ:** Yes.



1           **THE COURT:** Okay. Mr. Yzaguirre, do you have any  
2 reason to doubt your client's competence?

3           **MR. YZAGUIRRE:** No doubt.

4           **THE COURT:** Okay. Ms. Deplanty, what's your full  
5 name?

6           **DEFENDANT DEPLANTY:** Anita Christine Deplanty.

7           **THE COURT:** And how old are you?

8           **DEFENDANT DEPLANTY:** Thirty.

9           **THE COURT:** How far did you go in school?

10          **DEFENDANT DEPLANTY:** Some college, sir.

11          **THE COURT:** Here in the United States?

12          **DEFENDANT DEPLANTY:** Yes, sir.

13          **THE COURT:** Can you read and write English?

14          **DEFENDANT DEPLANTY:** Yes, sir.

15          **THE COURT:** Are you generally in good physical  
16 health?

17          **DEFENDANT DEPLANTY:** Yes, sir.

18          **THE COURT:** Have you ever been treated for any mental  
19 illness or mental disorder or for addiction to drugs of any  
20 kind?

21          **DEFENDANT DEPLANTY:** No, sir.

22          **THE COURT:** Within the past 24 hours, have you taken  
23 any medicine, pills or drugs or consumed any alcohol?

24          **DEFENDANT DEPLANTY:** Prescription medicine for pain,  
25 sir.

1           **THE COURT:** Does this medicine in any way affect your  
2 ability to understand my questions or answer them clearly?

3           **DEFENDANT DEPLANTY:** No, sir.

4           **THE COURT:** Have you in fact understood all of my  
5 questions and do you believe you're competent to proceed?

6           **DEFENDANT DEPLANTY:** Yes, I am, sir.

7           **THE COURT:** Mr. Bryan, any reason to doubt your  
8 client's competence?

9           **MR. BRYAN:** No, sir.

10          **THE COURT:** Okay. Mr. Hernandez, what's your full  
11 name?

12          **DEFENDANT HERNANDEZ-VASQUEZ:** Hernandez-Vasquez Jose  
13 Oriol.

14          **THE COURT:** And how old are you?

15          **DEFENDANT HERNANDEZ-VASQUEZ:** Thirty-five.

16          **THE COURT:** How far did you go in school?

17          **DEFENDANT HERNANDEZ-VASQUEZ:** Finished college.

18          **THE COURT:** In what country?

19          **DEFENDANT HERNANDEZ-VASQUEZ:** In Mexico.

20          **THE COURT:** Do you understand any English?

21          **DEFENDANT HERNANDEZ-VASQUEZ:** No.

22          **THE COURT:** Are you generally in good physical  
23 health?

24          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes.

25          **THE COURT:** Have you ever been treated for any mental

1 illness or mental disorder or for addiction to drugs?

2 **DEFENDANT HERNANDEZ-VASQUEZ:** No.

3 **THE COURT:** Within the past 24 hours, have you taken  
4 any medicine, pills or drugs or consumed any alcohol?

5 **DEFENDANT HERNANDEZ-VASQUEZ:** Pill for tooth.

6 **THE COURT:** Does that medicine in any way affect your  
7 ability to understand my questions or answer them clearly?

8 **DEFENDANT HERNANDEZ-VASQUEZ:** No, sir.

9 **THE COURT:** Do you -- have you in fact understood all  
10 my questions and do you believe you're competent to proceed?

11 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

12 **THE COURT:** Okay. Mr. Bryan, do you have any doubt  
13 about the competence of any of your clients?

14 **MR. BRYAN:** No, sir.

15 **THE COURT:** Okay, and then finally Mr. Pina, what's  
16 your full name?

17 **DEFENDANT PINA:** Roberto Jason Pina.

18 **THE COURT:** And how old are you?

19 **DEFENDANT PINA:** Twenty-four.

20 **THE COURT:** How far did you go in school?

21 **DEFENDANT PINA:** Ninth grade.

22 **THE COURT:** And what high school?

23 **DEFENDANT PINA:** Roma High School.

24 **THE COURT:** Roma. Can you read and write English?

25 **DEFENDANT PINA:** Yes, sir.

1           **THE COURT:** Are you generally in good physical  
2 health?

3           **DEFENDANT PINA:** Yes, sir.

4           **THE COURT:** Have you ever been treated for any mental  
5 illness or mental disorder or for addiction to drugs of any  
6 kind?

7           **DEFENDANT PINA:** I've been to some rehab.

8           **THE COURT:** Okay. In the past 24 hours, have you  
9 taken any drugs, pills or medicine or consumed any alcohol?

10          **DEFENDANT PINA:** No, your Honor.

11          **THE COURT:** Have you understood all these questions  
12 and do you believe you're competent to proceed?

13          **DEFENDANT PINA:** Yes, sir.

14          **THE COURT:** Okay. Mr. Bryan, the last two are  
15 proceeding by criminal information?

16          **MR. BRYAN:** Correct, your Honor.

17          **THE COURT:** Okay. Mr. Hernandez and Mr. Pina, you  
18 have a constitutional right to be charged by indictment of a  
19 grand jury, but you can waive that right and agree or consent  
20 to being charged by a criminal information filed by the U.S.  
21 Attorney.

22               Instead of an indictment, the felony charges against  
23 you have been brought by the U.S. Attorney's filing of this  
24 criminal information. Unless you waive indictment, you may not  
25 be charged with a felony offense in this country unless a grand

1 jury finds that there is probable cause to believe a crime has  
2 been committed and that you have committed it.

3 If you do not waive your right to an indictment, then  
4 the Government may present its case to a grand jury and ask the  
5 grand jury to indict you; and a grand jury, as you know, is a  
6 group of people of no more than 26 but at least 16 -- I'm  
7 sorry, at least 12 -- I'm sorry, I was right, at least 16 --  
8 and 12 of them must find that there is probable cause to  
9 believe a crime has been committed and that you committed it  
10 before you can be indicted. And a grand jury may or may not  
11 indict you.

12 But if you waive your right to an indictment by a  
13 grand jury, then these charges will proceed against you just as  
14 though you had been indicted by a grand jury.

15 Have you discussed waiving your right to an  
16 indictment by a grand jury with your attorney?

17 Mr. Hernandez?

18 **DEFENDANT HERNANDEZ-VASQUEZ:** (indiscernible) guilty.

19 **THE COURT:** No. But have you discussed with your  
20 lawyer waiving your right to an indictment?

21 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, I discussed it.

22 **THE COURT:** Okay. Mr. Pina, have you discussed it?

23 **DEFENDANT PINA:** Yes, your Honor.

24 **THE COURT:** Do you understand that you have a right  
25 to an indictment by a grand jury?

1 Mr. Hernandez?

2 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes.

3 **THE COURT:** Mr. Pina?

4 **DEFENDANT PINA:** Yes, your Honor.

5 **THE COURT:** Have any threats or promises been made to  
6 you to induce you to waive this right to an indictment by a  
7 grand jury?

8 Mr. Hernandez?

9 **DEFENDANT HERNANDEZ-VASQUEZ:** No.

10 **THE COURT:** Mr. Pina?

11 **DEFENDANT PINA:** No, your Honor.

12 **THE COURT:** And at this time, do you wish to waive  
13 your right to an indictment by a grand jury?

14 Mr. Hernandez?

15 **DEFENDANT HERNANDEZ-VASQUEZ:** I did not understand  
16 this.

17 **THE COURT:** At this time, would you like to waive  
18 your right to an indictment by a grand jury and just proceed  
19 today with this criminal information that's been filed against  
20 you?

21 **(No audible response)**

22 **THE COURT:** Mr. Pina?

23 **DEFENDANT PINA:** Yes, your Honor.

24 **THE COURT:** Mr. Hernandez?

25 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes.

1           **THE COURT:** Okay. If you could please execute the  
2 waivers here in open court.

3           Okay. The record will reflect that each of these  
4 Defendants has executed their waivers here in open court. The  
5 Court finds that they were knowingly and voluntarily entered.  
6 I, therefore, accept them.

7           Have each of you received a copy of the indictment?  
8 That's just the written charge pending against you or the  
9 criminal information, and have you had a chance to review and  
10 discuss these charges that are against you with your attorney?

11           Ms. Tovar?

12           **DEFENDANT TOVAR:** Yes, your Honor.

13           **THE COURT:** Mr. Trevino?

14           **DEFENDANT TREVINO:** Yes, your Honor.

15           **THE COURT:** Mr. Morales?

16           **DEFENDANT MORALES:** Yes, your Honor.

17           **THE COURT:** Mr. Jimenez?

18           **DEFENDANT JIMENEZ:** Yes, your Honor.

19           **THE COURT:** Mr. Rodriguez?

20           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

21           **THE COURT:** Mr. Perez?

22           **DEFENDANT PEREZ:** Yes, your Honor.

23           **THE COURT:** Mr. Padilla?

24           **DEFENDANT PADILLA:** Yes, your Honor.

25           **THE COURT:** Mr. Fernandez?

1           **DEFENDANT FERNANDEZ:** Yes, sir.

2           **THE COURT:** Mr. Deplant -- Ms. Deplanty?

3           **(No audible response)**

4           **THE COURT:** Mr. Hernandez?

5           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

6           **THE COURT:** And Mr. Pina?

7           **DEFENDANT PINA:** Yes, your Honor.

8           **THE COURT:** Do any of you have any questions about  
9 these charges that are against you that your lawyer could not  
10 answer for you?

11           Ms. Tovar?

12           **DEFENDANT TOVAR:** No, your Honor.

13           **THE COURT:** Mr. Trevino?

14           **DEFENDANT TREVINO:** No, your Honor.

15           **THE COURT:** Mr. Morales?

16           **DEFENDANT MORALES:** No, your Honor.

17           **THE COURT:** Mr. Jimenez?

18           **DEFENDANT JIMENEZ:** No, your Honor.

19           **THE COURT:** Mr. Rodriguez?

20           **DEFENDANT RODRIGUEZ:** No, your Honor.

21           **THE COURT:** Mr. Perez?

22           **DEFENDANT PEREZ:** No, your Honor.

23           **THE COURT:** Mr. Padilla?

24           **DEFENDANT PADILLA:** No, your Honor.

25           **THE COURT:** Mr. Fernandez?



1           **DEFENDANT FERNANDEZ:** No, your Honor.

2           **THE COURT:** Ms. Deplanty?

3           **(No audible response)**

4           **THE COURT:** Mr. Hernandez?

5           **DEFENDANT HERNANDEZ-VASQUEZ:** No, sir.

6           **THE COURT:** And Mr. Pina?

7           **DEFENDANT PINA:** No, your Honor.

8           **THE COURT:** And are each of you satisfied with the  
9 advice and the representation that your lawyer has given to you  
10 in this case?

11           Ms. Tovar?

12           **DEFENDANT TOVAR:** Yes, your Honor.

13           **THE COURT:** Mr. Trevino?

14           **DEFENDANT TREVINO:** Yes, your Honor.

15           **THE COURT:** Mr. Morales?

16           **DEFENDANT MORALES:** Yes, your Honor.

17           **THE COURT:** Mr. Jimenez?

18           **DEFENDANT JIMENEZ:** Yes, your Honor.

19           **THE COURT:** Mr. Rodriguez?

20           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

21           **THE COURT:** Mr. Perez?

22           **DEFENDANT PEREZ:** Yes, your Honor.

23           **THE COURT:** Mr. Padilla?

24           **DEFENDANT PADILLA:** Yes, your Honor.

25           **THE COURT:** Mr. Fernandez?

1           **DEFENDANT FERNANDEZ:** Yes, sir.

2           **THE COURT:** Ms. Deplanty?

3           **DEFENDANT DEPLANTY:** Yes, sir.

4           **THE COURT:** Mr. Hernandez?

5           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

6           **THE COURT:** And Mr. Pina?

7           **DEFENDANT PINA:** Yes, your Honor.

8           **THE COURT:** Okay. The Court finds that each of these  
9 Defendants has taken full advantage of his or her right to the  
10 assistance of counsel.

11           Okay. Beginning with you, Ms. Tovar, at this time  
12 the United States Attorney is going to read the charge or one  
13 of the charges pending against you. When she's finished  
14 reading this charge against you, you're going to be asked  
15 whether you plead guilty or not guilty to it, so please listen  
16 carefully.

17           **MS. FERKO:** "United States District Court Southern  
18 District of Texas, McAllen Division, *United States of*  
19 *America versus Yolanda Tovar also known as Yolanda*  
20 *Rios.*

21           "Indictment. The grand jury charges. Count One: On  
22 or about January 21st, or excuse me, on or about  
23 January 2001 to on or about January 2004 in the  
24 Southern District of Texas within the jurisdiction of  
25 the Court, Defendant, Yolanda Tovar, also known as

1 Yolanda Rios, did knowingly and intentionally  
2 conspire with other persons known and unknown to the  
3 grand jurors to knowingly and intentionally possess  
4 with the intent to distribute a controlled substance.  
5 "The controlled substance involved was more than  
6 1,000 kilograms of marijuana, a Schedule I controlled  
7 substance, and more than five kilograms of cocaine, a  
8 Schedule II controlled substance, in violation of  
9 Title 21, United States Code, Sections 846, 841(a)(1)  
10 and 841(b)(1)(A)."

11 Ms. Tovar, how do you plead in Count One of the  
12 indictment, guilty or not guilty?

13 **DEFENDANT TOVAR:** Guilty.

14 **THE COURT:** Okay. Mr. Trevino, if you would now  
15 please listen carefully. The Government's going to read one of  
16 the charges pending against you.

17 **MR. ALANIZ:** "United States District Court, Southern  
18 District of Texas, McAllen Division, *United States of*  
19 *America versus Jaime Lee Trevino*, Criminal Number M-  
20 08-1241-S5.

21 "Superseding Indictment. Count Thirteen: On or  
22 about July -- June 5th, 2007, in the Southern  
23 District of Texas and within the jurisdiction of the  
24 Court, Defendants, Margarito Chavez (phonetic), also  
25 known as Margo Julian Trevino (phonetic) and Jaime

1           Lee Trevino, knowing and in reckless disregard of the  
2           fact that an alien, that is Lynn (phonetic), had come  
3           to enter and remain in the United States in violation  
4           of law; did knowingly transport and move, attempt to  
5           transfer, attempt to move said alien within the  
6           United States; that is, the location near Hidalgo  
7           County, Texas, to another location in Falfurrias,  
8           Texas, and elsewhere by means of transportation and  
9           otherwise; to wit, by means of a motor vehicle and  
10          guiding the alien on foot in furtherance of such  
11          violation of law for the purpose of commercial  
12          advantage and private financial gain in violation of  
13          Title 8, United States Code, Sections  
14          1324(a)(1)(A)(2), 1324(a)(1)(A)(5)(2) and  
15          1324(a)(1)(B)(1)."

16          As to Count Thirteen of this indictment, Mr. Jaime  
17 Lee Trevino, sir, how do you plead, guilty or not guilty?

18               **DEFENDANT TREVINO:** Guilty.

19               **THE COURT:** Okay. Mr. Morales, if you'd now please  
20 listen carefully. The Government's going to read one of the  
21 charges against you.

22               **MS. FERKO:** "United States District Court, Southern  
23 District of Texas, McAllen Division, *United States of*  
24 *America versus Jose Joaquin Morales*, Criminal Number  
25 M-08-1242. Indictment.

1           "The Grand Jury charges. Count Two: On or about  
2           August 14th, 2008, in the Southern District of Texas  
3           and within the jurisdiction of the Court, Defendant,  
4           Jose Joaquin Morales, did knowingly and intentionally  
5           possess with the intent to distribute a controlled a  
6           substance. The controlled substance involved was  
7           more than five kilograms of --  
8           -- excuse me.

9           "The substance involved is five kilograms or more;  
10          that is approximately six kilograms of cocaine, a  
11          Schedule II controlled substance, in violation of  
12          Title 21, United States Code, Section 841(a)(1) and  
13          841(b)(1)(A) and Title 18, United States Code,  
14          Section 2.

15          Mr. Morales, how do you plead to Count Two of the  
16          indictment, guilty or not guilty?

17                 **DEFENDANT MORALES:** Guilty.

18                 **THE COURT:** Okay. Mr. Jimenez, if you would now  
19          please listen carefully. The Government's going to read one of  
20          the charges against you.

21                 **MS. ALLEN-MCCOY:** "United States District Court  
22          Southern District of Texas, McAllen Division, *United*  
23          *States of America versus Hector Manuel Jimenez,*  
24          Criminal Number M-08-1695. Indictment.

25          "The Grand Jury charges. Count One: On or about

1 November 24th, 2008, in the Southern District of  
2 Texas, and within the jurisdiction of the Court,  
3 Defendant, Hector Manuel Jimenez, did knowingly and  
4 intentionally import into the United States of  
5 America from the United Mexican States a controlled  
6 substance.

7 "The controlled substance involved was more than 50  
8 grams; that is, approximately 3.20 kilograms of  
9 methamphetamine, a Schedule II controlled substance  
10 in violation of Title 21, United States Code,  
11 Sections 952(a), 960(a)(1) and 960(b)(1)(H) and Title  
12 18, United States Code, Section 2."

13 Mr. Jimenez, as to Count One of the Indictment, sir,  
14 how do you plead, guilty or not guilty?

15 **DEFENDANT JIMENEZ:** Guilty.

16 **THE COURT:** Okay, Mr. Rodriguez. If you'd now please  
17 listen carefully. The Government's going to read one of the  
18 charges against you.

19 **MR. WELLS:** "United States District Court, Southern  
20 District of Texas, McAllen Division, *United States of*  
21 *America versus Jose Alfredo Rodriguez, also known as*  
22 *Gordo Maciso*, in Criminal Number M-08-1751.

23 "Indictment.

24 "The Grand Jury charges. Proceeding to Count two:  
25 On or about September 8th, 2008, in the Southern

1 District of Texas and within the jurisdiction of the  
2 Court, Defendant, Jose Alfredo Rodriguez, also known  
3 as Gordo Maciso, did willfully and unlawfully kidnap,  
4 abduct, seize, confine, inveigle, deploy and carry  
5 away Sergio Cepeda (phonetic) and transport Sergio  
6 Cepeda in interstate and foreign commerce; that is,  
7 from the United States of America to the United  
8 Mexican States and hold him for ransom, reward and  
9 for otherwise some -- for purpose or benefit; namely,  
10 the payment of ransom in the amount of \$40,000 and  
11 two vehicles in violation of Title 18, United States  
12 Code, Sections 1201(a)(1) and Section 2."

13 Mr. Rodriguez, to Count two of this Indictment, sir,  
14 how do you plead, guilty or not guilty?

15 **DEFENDANT RODRIGUEZ:** Guilty.

16 **THE COURT:** Okay. Mr. Perez, at this time, the  
17 United States Attorney will read one of the charges against you  
18 so please listen carefully.

19 **MR. ALANIZ:** "United States District Court, Southern  
20 District of Texas, McAllen Division, *United States of*  
21 *America versus Jesus Maria Perez*, Criminal Number M-  
22 09-007. Indictment.

23 "The Grand Jury charges. Count Two: On or about  
24 December 27, 2008, in the Southern District of Texas  
25 and within the jurisdiction of the Court, Defendant,

1 Jesus Maria Perez, did knowingly and intentionally  
2 possess with intent to distribute a controlled  
3 substance. The controlled substance involved was  
4 more than 50 kilograms but less than 100 kilograms;  
5 that is, approximately 58 kilograms of marijuana, a  
6 Schedule I controlled substance, in violation of  
7 Title 21, United States Code, Sections 841(a)(1),  
8 841(b)(1)(C) and Title 18, United States Code,  
9 Section 2."

10 As to Count Two of this Indictment, Mr. Perez, sir,  
11 how do you plead, guilty or not guilty?

12 **DEFENDANT PEREZ:** Guilty.

13 **THE COURT:** The next two pleading to the same count,  
14 Ms. Ferko?

15 **MS. FERKO:** Yes, your Honor, both Count One.

16 **THE COURT:** Okay. Misterns Padilla and Fernandez, if  
17 the two of you will please listen. The Government -- she's  
18 going to read Count One, the charges pending against the two of  
19 you. When she's finished, you'll be asked whether you plead  
20 guilty or not guilty.

21 **MS. FERKO:** "United States District Court, Southern  
22 District of Texas, McAllen Division, *United States of*  
23 *America versus Ramon Padilla, Junior; Sergio Luis*  
24 *Fernandez*, Criminal Number M-09-120.

25 "Indictment. The Grand Jury charges. Count One:



1 From on or about January 12, 2009, to on or about  
2 January 14, 2009, Southern District of Texas and  
3 within the jurisdiction of the Court, Defendants,  
4 Ramon Padilla, Junior, and Sergio Luis Fernandez, did  
5 knowingly and intentionally conspire and agree  
6 together and with other person or persons known and  
7 unknown to the grand jurors to knowingly and  
8 intentionally possess with the intent to distribute a  
9 controlled substance.

10 "The controlled substance involved was more than 100  
11 kilograms but less than 1,000 kilograms of marijuana,  
12 a Schedule I controlled substance, in violation of  
13 Title 21, United States Code, Sections 846, 841(a)(1)  
14 and 841(b)(1)(B)."

15 Mr. Padilla, Junior, how do you plead to Count One of  
16 the Indictment, guilty or not guilty?

17 **DEFENDANT PADILLA:** Guilty.

18 **MS. FERKO:** Mr. Sergio Luis Fernandez, how do you  
19 plead to Count One of the Indictment, guilty or not guilty?

20 **DEFENDANT FERNANDEZ:** Guilty.

21 **THE COURT:** Okay. Ms. Deplanty, at this time the  
22 United States Attorney will read one of the charges against  
23 you, so please listen carefully.

24 **MS. RIGNEY:** "United States District Court, Southern  
25 District of Texas, McAllen Division, *United States of*

1           *America versus Anita Christine Deplanty*, Criminal  
2           Number M-09-262, Indictment.

3           "The Grand Jury charges. Count Two: On or about  
4           February 20th, 2009, in the Southern District of  
5           Texas and within the jurisdiction of the Court,  
6           Defendant, Anita Christine Deplanty, did knowingly  
7           and intentionally import into the United States of  
8           America from the United Mexican States a controlled  
9           substance.

10          "The controlled substance involved was more than 500  
11          -- was 500 grams or more; that is, approximately 3.8  
12          kilograms of cocaine, a Schedule II controlled  
13          substance, in violation of Title 21, United States  
14          Code, Sections 952(a), 960(b)(2)(B), and Title 18,  
15          United States Code, Section 2."

16          Ms. Deplanty, how do you plead to Count Two of the  
17          Indictment, ma'am, guilty or not guilty?

18                 **DEFENDANT DEPLANTY:** Guilty.

19                 **THE COURT:** Okay. Mr. Hernandez, at this time, the  
20          United States Attorney is going to read that Criminal  
21          Information pending against you, so please listen carefully.

22                 **MS. FERKO:** "United States District Court, Southern  
23          District of Texas, McAllen Division, *United States of*  
24          *America versus Jose Oriol Hernandez-Vasquez*, Criminal  
25          Number M-09-548.

1 "Criminal information. The United States Attorney  
2 charges on or about April 18, 2009, Southern District  
3 of Texas and within the jurisdiction of the Court,  
4 Defendant, Jose Oriol Hernandez-Vasquez, knowingly  
5 and with reckless disregard of the fact, that Jose  
6 Soto-Lopez was an alien who had come to, entered and  
7 remained in the United States in violation of law for  
8 the purpose of commercial advantage and private  
9 financial gain, knowingly transport, move, attempt to  
10 transport and attempt to move said alien in  
11 furtherance of such violation of law within the  
12 United States; that is, from a location near Los  
13 Ebanos, Texas, to another location near Sullivan  
14 City, Texas, by means of a motor vehicle, in  
15 violation of Title 8, United States Code, Sections  
16 1324(a)(1)(A)(5)(i), 1324(a)(1)(A)(2) and  
17 1324(a)(1)(B)(i)."

18 Mr. Hernandez-Vasquez, how do you plead to Criminal  
19 Information, guilty or not guilty?

20 **DEFENDANT HERNANDEZ-VASQUEZ:** Guilty.

21 **THE COURT:** Okay. And Mr. Pina, at this time the  
22 United States Attorney is going to read this information  
23 against you, so please listen carefully.

24 **MS. RIGNEY:** "United States District Court, Southern  
25 District of Texas, McAllen Division, *United States of*

1           *America versus Roberto Jason Pina*, Criminal Number M-  
2           09-547.

3           "Criminal information. The United States Attorney  
4           charges on or about April 21st, 2009, in the Southern  
5           District of Texas and within the jurisdiction of the  
6           Court, Defendant, Roberto Jason Pina, knowing and in  
7           reckless disregard of the fact that Miguel Angel  
8           Aguilar-Diaz De Leon was an alien who had come to,  
9           entered and remained in the United States in  
10          violation of law, did knowingly transport, move,  
11          attempt to transport and attempt to move said alien  
12          in furtherance of such violation of the law within  
13          United States; that is, from a location near Roma,  
14          Texas, to a location near Roma, Texas, by means of a  
15          motor vehicle for the purpose of commercial advantage  
16          and private financial gain, in violation of Title 8,  
17          United States Code, Sections 1324(a)(1)(A)(2),  
18          1324(a)(1)(A)(5)(2) and 1324(a)(1)(B)(1)."

19          Mr. Pina, how do you plead to the Information, sir,  
20          guilty or not guilty?

21                 **DEFENDANT PINA:** Guilty.

22                 **THE COURT:** Under the Constitution and laws of this  
23          country, each of you has a right to plead not guilty. If you  
24          pled not guilty, then you'd have the right to a trial before  
25          either a jury or a judge on these charges that are pending

1 against you. Do you each of you understand this?

2 Ms. Tovar?

3 **DEFENDANT TOVAR:** Yes, your Honor.

4 **THE COURT:** Mr. Trevino?

5 **DEFENDANT TOVAR:** Yes, your Honor.

6 **THE COURT:** Mr. Morales?

7 **DEFENDANT MORALES:** Yes, sir.

8 **THE COURT:** Mr. Jimenez?

9 **DEFENDANT JIMENEZ:** Yes, your Honor.

10 **THE COURT:** Mr. Rodriguez?

11 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

12 **THE COURT:** Mr. Perez?

13 **DEFENDANT PEREZ:** Yes, your Honor.

14 **THE COURT:** Mr. Padilla?

15 **DEFENDANT PADILLA:** Yes, your Honor.

16 **THE COURT:** Mr. Fernandez?

17 **DEFENDANT FERNANDEZ:** Yes, sir.

18 **THE COURT:** Ms. Deplanty?

19 **MS. DEPLANTY:** Yes, sir.

20 **THE COURT:** Mr. Hernandez?

21 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

22 **THE COURT:** Mr. Pina?

23 **DEFENDANT PINA:** Yes, your Honor.

24 **THE COURT:** At a trial, you would have the right to  
25 the assistance of an attorney, whether you can afford one or

1 not. If you could not afford an attorney, one would be  
2 appointed to represent you at all stages of these proceedings  
3 against you at no cost to you.

4 Do you understand this, Ms. Tovar?

5 **DEFENDANT TOVAR:** Yes, your Honor.

6 **THE COURT:** Mr. Trevino?

7 **DEFENDANT TOVAR:** Yes, your Honor.

8 **THE COURT:** Mr. Morales?

9 **DEFENDANT MORALES:** Yes, your Honor.

10 **THE COURT:** Mr. Jimenez?

11 **DEFENDANT JIMENEZ:** Yes, your Honor.

12 **THE COURT:** Mr. Rodriguez?

13 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

14 **THE COURT:** Mr. Perez?

15 **DEFENDANT PEREZ:** Yes, your Honor.

16 **THE COURT:** Mr. Padilla?

17 **DEFENDANT PADILLA:** Yes, your Honor.

18 **THE COURT:** Mr. Fernandez?

19 **DEFENDANT FERNANDEZ:** Yes, sir.

20 **THE COURT:** Ms. Deplanty?

21 **DEFENDANT DEPLANTY:** Yes, sir.

22 **THE COURT:** Mr. Hernandez?

23 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

24 **THE COURT:** Mr. Pina?

25 **DEFENDANT PINA:** Yes, your Honor.

1           **THE COURT:** If you wanted to plead not guilty, in  
2 order to find you guilty, the Government would have to prove at  
3 a trial by competent evidence and beyond a reasonable doubt  
4 these charges that are pending against you.

5           Do you understand this? Ms. Tovar?

6           **DEFENDANT TOVAR:** Yes, your Honor.

7           **THE COURT:** Mr. Trevino?

8           **DEFENDANT TOVAR:** Yes, your Honor.

9           **THE COURT:** Mr. Morales?

10          **DEFENDANT MORALES:** Yes, your Honor.

11          **THE COURT:** Mr. Jimenez?

12          **DEFENDANT JIMENEZ:** Yes, sir.

13          **THE COURT:** Mr. Rodriguez?

14          **DEFENDANT RODRIGUEZ:** Yes, your Honor.

15          **THE COURT:** Mr. Perez?

16          **DEFENDANT PEREZ:** Yes, your Honor.

17          **THE COURT:** Mr. Padilla?

18          **DEFENDANT PADILLA:** Yes, your Honor.

19          **THE COURT:** Mr. Fernandez?

20          **DEFENDANT FERNANDEZ:** Yes, sir.

21          **THE COURT:** Ms. Deplanty?

22          **DEFENDANT DEPLANTY:** Yes, sir.

23          **THE COURT:** Mr. Hernandez?

24          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes.

25          **THE COURT:** Mr. Pina?

1           **DEFENDANT PINA:** Yes, your Honor.

2           **THE COURT:** At a trial, you would be presumed to be  
3 innocent; and it would not be up to you to have to prove your  
4 innocence.

5           Do each of you understand this? Ms. Tovar?

6           **DEFENDANT TOVAR:** Yes, your Honor.

7           **THE COURT:** Mr. Trevino?

8           **DEFENDANT TOVAR:** Yes, your Honor.

9           **THE COURT:** Mr. Morales?

10          **DEFENDANT MORALES:** Yes, your Honor.

11          **THE COURT:** Mr. Jimenez?

12          **DEFENDANT JIMENEZ:** Yes, your Honor.

13          **THE COURT:** Mr. Rodriguez?

14          **DEFENDANT RODRIGUEZ:** Yes, your Honor.

15          **THE COURT:** Mr. Perez?

16          **DEFENDANT PEREZ:** Yes, your Honor.

17          **THE COURT:** Mr. Padilla?

18          **DEFENDANT PADILLA:** Yes, your Honor.

19          **THE COURT:** Mr. Fernandez?

20          **DEFENDANT FERNANDEZ:** Yes, sir.

21          **THE COURT:** Ms. Deplanty?

22          **DEFENDANT DECLANTY:** Yes, sir.

23          **THE COURT:** Mr. Hernandez?

24          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

25          **THE COURT:** And Mr. Pina?



1           **DEFENDANT PINA:** Yes, your Honor.

2           **THE COURT:** In the course of a trial, the witnesses  
3 for the Government would have to come into the courtroom and  
4 testify in your presence and the presence of your attorney.  
5 Your attorney could confront the witnesses against you, object  
6 to any evidence offered by the Government; and then you would  
7 have the right to present any evidence in defense of these  
8 charges that you might want to present.

9           Do each of you understand this? Mr. Tovar?

10          **DEFENDANT TOVAR:** Yes, your Honor.

11          **THE COURT:** Mr. Trevino?

12          **DEFENDANT TOVAR:** Yes, your Honor.

13          **THE COURT:** Mr. Morales?

14          **DEFENDANT MORALES:** Yes, your Honor.

15          **THE COURT:** Mr. Jimenez?

16          **DEFENDANT JIMENEZ:** Yes, your Honor.

17          **THE COURT:** Mr. Rodriguez?

18          **DEFENDANT RODRIGUEZ:** Yes, your Honor.

19          **THE COURT:** Mr. Perez?

20          **DEFENDANT PEREZ:** Yes, your Honor.

21          **THE COURT:** Mr. Padilla?

22          **DEFENDANT PADILLA:** Yes, your Honor.

23          **THE COURT:** Mr. Fernandez?

24          **DEFENDANT FERNANDEZ:** Yes, sir.

25          **THE COURT:** Ms. Deplanty?

1           **(No audible response)**

2           **THE COURT:** Mr. Hernandez?

3           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

4           **THE COURT:** And Mr. Pina?

5           **DEFENDANT PINA:** Yes, your Honor.

6           **THE COURT:** At a trial, you would have the right to  
7 take the witness stand and to testify in your own defense if  
8 you desired but you could not be forced to testify; and no one  
9 could hold it against you if you chose not to testify at a  
10 trial.

11           Do each of you understand this? Ms. Tovar?

12           **DEFENDANT TOVAR:** Yes, your Honor.

13           **THE COURT:** Mr. Trevino?

14           **DEFENDANT TOVAR:** Yes, your Honor.

15           **THE COURT:** Mr. Morales?

16           **DEFENDANT MORALES:** Yes, your Honor.

17           **THE COURT:** Mr. Jimenez?

18           **DEFENDANT JIMENEZ:** Yes, your Honor.

19           **THE COURT:** Mr. Rodriguez?

20           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

21           **THE COURT:** Mr. Perez?

22           **DEFENDANT PEREZ:** Yes, your Honor.

23           **THE COURT:** Mr. Padilla?

24           **DEFENDANT PADILLA:** Yes, your Honor.

25           **THE COURT:** Mr. Fernandez?

1           **DEFENDANT FERNANDEZ:** Yes, sir.

2           **THE COURT:** Ms. Deplanty?

3           **DEFENDANT DEPLANTY:** Yes, sir.

4           **THE COURT:** Mr. Hernandez?

5           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

6           **THE COURT:** And Mr. Pina?

7           **DEFENDANT PINA:** Yes, your Honor.

8           **THE COURT:** By pleading guilty, though, you give up  
9 this right against testifying because in order for me to be  
10 satisfied that you're actually guilty of this crime, I'm going  
11 to have to ask you some questions about it and you cannot  
12 refuse to answer these questions.

13           Do each of you understand this? Ms. Tovar?

14           **DEFENDANT TOVAR:** Yes, your Honor.

15           **THE COURT:** Mr. Trevino?

16           **DEFENDANT TREVINO:** Yes, your Honor.

17           **THE COURT:** Mr. Morales?

18           **DEFENDANT MORALES:** Yes, your Honor.

19           **THE COURT:** Mr. Jimenez?

20           **DEFENDANT JIMENEZ:** Yes, your Honor.

21           **THE COURT:** Mr. Rodriguez?

22           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

23           **THE COURT:** Mr. Perez?

24           **DEFENDANT PEREZ:** Yes, your Honor.

25           **THE COURT:** Mr. Padilla?

1           **DEFENDANT PADILLA:** Yes, your Honor.

2           **THE COURT:** Mr. Fernandez?

3           **DEFENDANT FERNANDEZ:** Yes, sir.

4           **THE COURT:** Ms. Deplanty?

5           **DEFENDANT DEPLANTY:** Yes, sir.

6           **THE COURT:** Mr. Hernandez?

7           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

8           **THE COURT:** And Mr. Pina?

9           **DEFENDANT PINA:** Yes, your Honor.

10           **THE COURT:** Also by pleading guilty, if I accept your  
11 guilty plea, you will be giving up all of these rights that  
12 I've just mentioned and discussed with you and there will be no  
13 trial in your case. I will simply enter a judgment of guilty,  
14 and I will sentence you on the basis of your pleas of guilty  
15 here this morning.

16           Do each of you understand this; there will be no  
17 trial in your case? Ms. Tovar?

18           **DEFENDANT TOVAR:** Yes, your Honor.

19           **THE COURT:** Mr. Trevino?

20           **DEFENDANT TREVINO:** Yes, your Honor.

21           **THE COURT:** Mr. Morales?

22           **DEFENDANT MORALES:** Yes, your Honor.

23           **THE COURT:** Mr. Jimenez?

24           **DEFENDANT JIMENEZ:** Yes, your Honor.

25           **THE COURT:** Mr. Rodriguez?

1           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

2           **THE COURT:** Mr. Perez?

3           **DEFENDANT PEREZ:** Yes, your Honor.

4           **THE COURT:** Mr. Padilla?

5           **DEFENDANT PADILLA:** Yes, your Honor.

6           **THE COURT:** Mr. Fernandez?

7           **DEFENDANT FERNANDEZ:** Yes, sir.

8           **THE COURT:** Ms. Deplanty?

9           **(No audible response)**

10          **THE COURT:** Mr. Hernandez?

11          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

12          **THE COURT:** And Mr. Pina?

13          **DEFENDANT PINA:** Yes, your Honor.

14          **THE COURT:** Okay. In your case, Ms. Tovar, do you  
15 understand that I can send you to prison for up to life with a  
16 minimum sentence of at least 10 years. And in addition, I  
17 could fine you up to \$5 million -- I'm sorry, \$4 million.

18          **DEFENDANT TOVAR:** Yes, sir.

19          **THE COURT:** Do you understand this? Okay. In your  
20 case, Mr. Trevino, do you understand that I can send you to  
21 prison for up to 10 years and fine you up to \$250,000?

22          **DEFENDANT TREVINO:** Yes, your Honor.

23          **THE COURT:** Mr. Morales, in your case, do you  
24 understand I can send you to prison for up to life with a  
25 minimum sentence of at least 10 years. And in addition, I can

1 fine you up to \$4 million.

2 **DEFENDANT MORALES:** Yes, your Honor.

3 **THE COURT:** Mr. Jimenez, in your case, do you  
4 understand that I could also send you to prison for up to life  
5 with a minimum sentence of at least 10 years. And in addition,  
6 I could fine you up to \$4 million?

7 **DEFENDANT JIMENEZ:** Yes, your Honor.

8 **THE COURT:** Mr. Rodriguez, in your case, do you  
9 understand that I can send you to prison for up to life and  
10 fine you up to \$250,000?

11 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

12 **THE COURT:** Mr. Perez, in your case, do you  
13 understand that I could send you to prison for up to 20 years  
14 and fine you up to \$1 million?

15 **DEFENDANT PEREZ:** Yes, your Honor.

16 **THE COURT:** Misters Padilla and Fernandez, do each of  
17 you understand that I can you to prison for up to 40 years with  
18 a minimum sentence of at least five years. And in addition, I  
19 could fine you up to \$2 million?

20 Do you understand this, Mr. Padilla?

21 **DEFENDANT PADILLA:** Yes, your Honor.

22 **THE COURT:** Mr. Fernandez?

23 **DEFENDANT FERNANDEZ:** Yes, your Honor.

24 **THE COURT:** Ms. Deplanty, in your case, do you  
25 understand that I could send you to prison for up to 40 years

1 with a minimum sentence of at least five years. And in  
2 addition, I could fine you up to \$2 million?

3 **DEFENDANT DEPLANTY:** Yes, sir.

4 **THE COURT:** In your case, Mr. Hernandez, do you  
5 understand I could send you to prison for up to 10 years and  
6 fine you up to \$250,000?

7 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

8 **THE COURT:** And Mr. Pina, in your case, as well, do  
9 you understand that I could send you to prison for up to 10  
10 years and fine you up to \$250,000?

11 **DEFENDANT PINA:** Yes, your Honor.

12 **THE COURT:** In all of your cases, in addition to the  
13 imprisonment and fine I just explained, I'm also required to  
14 impose upon you a supervised release term. And that's a period  
15 of supervision that starts as soon as you get out of prison so  
16 it's in addition to any imprisonment.

17 In your case, Ms. Tovar, you could be supervised for  
18 life. Do you understand this?

19 **DEFENDANT TOVAR:** Yes, your Honor.

20 **THE COURT:** Mr. Trevino, in your case, you could be  
21 supervised for up to three years. Do you understand this?

22 **DEFENDANT TREVINO:** Yes, your Honor.

23 **THE COURT:** Mr. Morales, as well, you could be  
24 supervised for up to life. Do you understand this?

25 **DEFENDANT MORALES:** Yes, your Honor.

1           **THE COURT:** Mr. Jimenez, same thing, you could be  
2 supervised for up to life. Do you understand this?

3           **DEFENDANT JIMENEZ:** Yes, your Honor.

4           **THE COURT:** Mr. Rodriguez, in your case, you could be  
5 supervised for up to five years. Do you understand this?

6           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

7           **THE COURT:** Mr. Perez, in your case, you could be  
8 supervised for up to three years. Do you understand this?

9           **DEFENDANT PEREZ:** Yes, your Honor.

10          **THE COURT:** In your case -- your case, Mr. Padilla,  
11 you can be supervised for up to four years. Do you understand  
12 this?

13          **DEFENDANT PADILLA:** Yes, your Honor.

14          **THE COURT:** Mr. Fernandez, in your case, as well, you  
15 could be supervised for up to four years. Do you understand  
16 this?

17          **DEFENDANT FERNANDEZ:** Yes, sir.

18          **THE COURT:** And Ms. Deplanty, in your case, as well,  
19 you could be supervised for up to four years.

20               Do you understand this?

21          **DEFENDANT DEPLANTY:** Yes, sir.

22          **THE COURT:** And Mr. Hernandez, you can be supervised  
23 for up to three years. Do you understand this?

24          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

25          **THE COURT:** And Mr. Pina, you could also be



1 supervised for up to three years. Do you understand this?

2 **DEFENDANT PINA:** Yes, your Honor.

3 **THE COURT:** I'm also required to impose upon each of  
4 you a \$100 special assessment.

5 Do you understand this, Ms. Trevino -- Ms. Tovar,  
6 excuse me?

7 **DEFENDANT TOVAR:** Yes, your Honor.

8 **THE COURT:** Mr. Trevino, do you understand this?

9 **DEFENDANT TREVINO:** Yes, your Honor.

10 **THE COURT:** Mr. Morales?

11 **DEFENDANT MORALES:** Yes, sir.

12 **THE COURT:** Mr. Jimenez?

13 **DEFENDANT JIMENEZ:** Yes, your Honor.

14 **THE COURT:** Mr. Rodriguez?

15 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

16 **THE COURT:** Mr. Perez?

17 **DEFENDANT PEREZ:** Yes, your Honor.

18 **THE COURT:** Mr. Padilla?

19 **DEFENDANT PADILLA:** Yes, your Honor.

20 **THE COURT:** Mr. Fernandez?

21 **DEFENDANT FERNANDEZ:** Yes, sir.

22 **THE COURT:** Ms. Deplanty?

23 **DEFENDANT DEPLANTY:** Yes, sir.

24 **THE COURT:** Mr. Hernandez?

25 **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

1           **THE COURT:** And Mr. Pina?

2           **DEFENDANT PINA:** Yes, your Honor.

3           **THE COURT:** Okay. Have each of you spoken with your  
4 attorney about the Sentencing Commission Guidelines and how  
5 these advisory guideline ranges might apply in your case?

6           Mr. -- Ms. Tovar, have you discussed this with your  
7 lawyer?

8           **DEFENDANT TOVAR:** Yes, your Honor.

9           **THE COURT:** Mr. Trevino?

10          **DEFENDANT TREVINO:** Yes, your Honor.

11          **THE COURT:** Mr. Morales?

12          **DEFENDANT MORALES:** Yes, sir.

13          **THE COURT:** Mr. Jimenez?

14          **DEFENDANT JIMENEZ:** Yes, your Honor.

15          **THE COURT:** Mr. Rodriguez?

16          **DEFENDANT RODRIGUEZ:** Yes, your Honor.

17          **THE COURT:** Mr. Perez?

18          **DEFENDANT PEREZ:** Yes, your Honor.

19          **THE COURT:** Mr. Padilla?

20          **DEFENDANT PADILLA:** Yes, your Honor.

21          **THE COURT:** Mr. Fernandez?

22          **DEFENDANT FERNANDEZ:** Yes, your Honor.

23          **THE COURT:** Ms. Deplanty?

24          **DEFENDANT DEPLANTY:** Yes, sir.

25          **THE COURT:** Mr. Hernandez?

1                   **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

2                   **THE COURT:** And Mr. Pina?

3                   **DEFENDANT PINA:** Yes, your Honor.

4                   **THE COURT:** Okay. I will not be able to determine  
5 exactly which of these advisory guideline ranges applies in  
6 your case until after the Probation Office has prepared a  
7 presentence report about you. And you and your lawyer will  
8 have the opportunity to review and object to that presentence  
9 report.

10                   Do each of you understand this? Ms. Tovar?

11                   **DEFENDANT TOVAR:** Yes, your Honor.

12                   **THE COURT:** Mr. Trevino?

13                   **DEFENDANT TREVINO:** Yes, your Honor.

14                   **THE COURT:** Mr. Morales?

15                   **DEFENDANT MORALES:** Yes, sir.

16                   **THE COURT:** Mr. Jimenez?

17                   **DEFENDANT JIMENEZ:** Yes, your Honor.

18                   **THE COURT:** Mr. Rodriguez?

19                   **DEFENDANT RODRIGUEZ:** Yes, your Honor.

20                   **THE COURT:** Mr. Perez?

21                   **DEFENDANT PEREZ:** Yes, your Honor.

22                   **THE COURT:** Mr. Padilla?

23                   **DEFENDANT PADILLA:** Yes, your Honor.

24                   **THE COURT:** Mr. Fernandez?

25                   **DEFENDANT FERNANDEZ:** Yes, your Honor.

1           **THE COURT:** Ms. Deplanty?

2           **DEFENDANT DEPLANTY:** Yes, sir.

3           **THE COURT:** Mr. Hernandez?

4           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

5           **THE COURT:** And Mr. Pina?

6           **DEFENDANT PINA:** Yes, your Honor.

7           **THE COURT:** Once the Probation Office has determined  
8 this sentencing range in your case, I may nevertheless vary or  
9 depart from these advisory ranges. And I could sentence you to  
10 the maximum punishment that you face in this case, and you  
11 would not be able to take back your guilty plea.

12           Do each of you understand this? Ms. Tovar?

13           **DEFENDANT TOVAR:** Yes, your Honor.

14           **THE COURT:** Ms. Trevino? Mr. Trevino?

15           **DEFENDANT TREVINO:** Yes, your Honor.

16           **THE COURT:** Mr. Morales?

17           **DEFENDANT MORALES:** Yes, sir.

18           **THE COURT:** Mr. Jimenez?

19           **DEFENDANT JIMENEZ:** Yes, your Honor.

20           **THE COURT:** Mr. Rodriguez?

21           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

22           **THE COURT:** Mr. Perez?

23           **DEFENDANT PEREZ:** Yes, your Honor.

24           **THE COURT:** Mr. Padilla?

25           **DEFENDANT PADILLA:** Yes, your Honor.

1           **THE COURT:** Mr. Fernandez?

2           **DEFENDANT FERNANDEZ:** Yes, your Honor.

3           **THE COURT:** Ms. Deplanty?

4           **DEFENDANT DEPLANTY:** Yes, sir.

5           **THE COURT:** Mr. Hernandez?

6           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

7           **THE COURT:** And Mr. Pina?

8           **DEFENDANT PINA:** Yes, your Honor.

9           **THE COURT:** Has anybody promised you or guaranteed to  
10 you the exact sentence I'm going to give you in your case?

11           Ms. Tovar?

12           **DEFENDANT TOVAR:** No, your Honor.

13           **THE COURT:** Mr. Trevino?

14           **DEFENDANT TREVINO:** No, your Honor.

15           **THE COURT:** Mr. Morales?

16           **DEFENDANT MORALES:** No, Your Honor.

17           **THE COURT:** Mr. Jimenez?

18           **DEFENDANT JIMENEZ:** No, your Honor.

19           **THE COURT:** Mr. Rodriguez?

20           **DEFENDANT RODRIGUEZ:** No, your Honor.

21           **THE COURT:** Mr. Perez?

22           **DEFENDANT PEREZ:** No, your Honor.

23           **THE COURT:** Mr. Padilla?

24           **DEFENDANT PADILLA:** No, your Honor.

25           **THE COURT:** Mr. Fernandez?

1           **DEFENDANT FERNANDEZ:** No, your Honor.

2           **THE COURT:** Ms. Deplanty?

3           **DEFENDANT DEPLANTY:** No, sir.

4           **THE COURT:** Mr. Hernandez?

5           **DEFENDANT HERNANDEZ-VASQUEZ:** No, sir.

6           **THE COURT:** And Mr. Pina?

7           **DEFENDANT PINA:** No, your Honor.

8           **THE COURT:** Has anyone attempted in any way to force  
9 you to plead guilty here this morning, or threaten you or told  
10 you that if you did not plead guilty, some further action or  
11 charges would be brought against you?

12           Ms. Trevino? Ms. Tovar? Excuse me.

13           **DEFENDANT TOVAR:** No, your Honor.

14           **THE COURT:** Mr. Trevino?

15           **DEFENDANT TREVINO:** No, your Honor.

16           **THE COURT:** Mr. Morales?

17           **DEFENDANT MORALES:** No, Your Honor.

18           **THE COURT:** Mr. Jimenez?

19           **DEFENDANT JIMENEZ:** No, your Honor.

20           **THE COURT:** Mr. Rodriguez?

21           **DEFENDANT RODRIGUEZ:** No, your Honor.

22           **THE COURT:** Mr. Perez?

23           **DEFENDANT PEREZ:** No, your Honor.

24           **THE COURT:** Mr. Padilla?

25           **DEFENDANT PADILLA:** No, your Honor.

1           **THE COURT:** Mr. Fernandez?

2           **DEFENDANT FERNANDEZ:** No, your Honor.

3           **THE COURT:** Ms. Deplanty?

4           **DEFENDANT DEPLANTY:** No, your Honor.

5           **THE COURT:** Mr. Hernandez?

6           **DEFENDANT HERNANDEZ-VASQUEZ:** No, sir.

7           **THE COURT:** And Mr. Pina?

8           **DEFENDANT PINA:** No, your Honor.

9           **THE COURT:** This offense to which you have pled  
10 guilty is a felony; and if I accept your guilty plea, you'll be  
11 adjudged guilty of this felony offense and this will have  
12 consequences to you. It will deprive you of your right to ever  
13 vote or serve on juries in this country. It will deprive you  
14 of your right to ever possess a firearm or ammunition. And if  
15 you are not a U.S. citizen, this will required that you be --  
16 that your status here will be revoked and you will be deported  
17 back to your home country.

18           Do each of you understand this? Ms. Tovar?

19           **DEFENDANT TOVAR:** Yes, your Honor.

20           **THE COURT:** Mr. Trevino?

21           **DEFENDANT TREVINO:** Yes, your Honor.

22           **THE COURT:** Mr. Morales?

23           **DEFENDANT MORALES:** Yes, sir.

24           **THE COURT:** Mr. Jimenez?

25           **DEFENDANT JIMENEZ:** Yes, your Honor.

1           **THE COURT:** Mr. Rodriguez?

2           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

3           **THE COURT:** Mr. Perez?

4           **DEFENDANT PEREZ:** Yes, your Honor.

5           **THE COURT:** Mr. Padilla?

6           **DEFENDANT PADILLA:** Yes, your Honor.

7           **THE COURT:** Mr. Fernandez?

8           **DEFENDANT FERNANDEZ:** Yes, sir.

9           **THE COURT:** Ms. Deplanty?

10          **DEFENDANT DEPLANTY:** Yes, sir.

11          **THE COURT:** Mr. Hernandez?

12          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

13          **THE COURT:** And Mr. Pina?

14          **DEFENDANT PINA:** Yes, your Honor.

15          **THE COURT:** Okay. Ms. Ferko, are there plea  
16 agreements in all these cases? If so, could you please  
17 describe them.

18          **MS. FERKO:** Yes, your Honor. Your Honor, in the case  
19 of Mr. Hernandez-Vasquez in M-09-548 and Mr. Jason Pina, M-09-  
20 547, your Honor, in exchange for the Defendants' guilty plea to  
21 the criminal information, the Government will recommend that  
22 the offense level be decreased by two levels pursuant to United  
23 States Sentencing Guidelines, Sections 3E1.1A if each Defendant  
24 clearly demonstrates acceptance of responsibility; and that the  
25 Defendants receive an additional two-points downward departure



1 for cooperation pursuant to 5K3.1 of the Sentencing Guidelines  
2 for allowing the early release of the material witnesses.

3 Your Honor, for all other Defendants, the agreement  
4 between the Government and each Defendant is that the  
5 Defendants agreed to plead guilty to their respective count of  
6 the indictment. In exchange, the Government will recommend  
7 that the offense level decrease by two levels pursuant to the  
8 United States Sentencing Guidelines Sections 3E1.1A. If each  
9 Defendant clearly demonstrates acceptance of responsibility,  
10 that the remaining counts or count of the indictment will be  
11 dismissed at the time of sentencing.

12 **THE COURT:** Okay. Each of you has heard the  
13 Government describe the plea agreement in your case. Is this  
14 your understanding of the agreement you've reached with the  
15 Government in your case?

16 Ms. Tovar?

17 **DEFENDANT TOVAR:** Yes, your Honor.

18 **THE COURT:** Mr. Trevino?

19 **DEFENDANT TREVINO:** Yes.

20 **THE COURT:** Mr. Morales?

21 **DEFENDANT MORALES:** Yes, your Honor.

22 **THE COURT:** Mr. Jimenez?

23 **DEFENDANT JIMENEZ:** Yes, your Honor.

24 **THE COURT:** Mr. Rodriguez?

25 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

1           **THE COURT:** Mr. Perez?

2           **DEFENDANT PEREZ:** Yes, your Honor.

3           **THE COURT:** Mr. Padilla?

4           **DEFENDANT PADILLA:** Yes, your Honor.

5           **THE COURT:** Mr. Fernandez?

6           **DEFENDANT FERNANDEZ:** Yes, sir.

7           **THE COURT:** Ms. Deplanty?

8           **DEFENDANT DEPLANTY:** Yes, sir.

9           **THE COURT:** Mr. Hernandez?

10          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

11          **THE COURT:** And Mr. Pina?

12          **DEFENDANT PINA:** Yes, your Honor.

13          **THE COURT:** And did each of you have an opportunity  
14 to review and discuss this plea agreement with your attorney  
15 and have it explained to you in Spanish, if necessary, before  
16 you signed it?

17               Ms. Tovar?

18          **DEFENDANT TOVAR:** Yes, your Honor.

19          **THE COURT:** Mr. Trevino?

20          **DEFENDANT TREVINO:** Yes, sir.

21          **THE COURT:** Mr. Morales?

22          **DEFENDANT MORALES:** Yes, your Honor.

23          **THE COURT:** Mr. Jimenez?

24          **DEFENDANT JIMENEZ:** Yes, your Honor.

25          **THE COURT:** Mr. Rodriguez?

1           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

2           **THE COURT:** Mr. Perez?

3           **DEFENDANT PEREZ:** Yes, your Honor.

4           **THE COURT:** Mr. Padilla?

5           **DEFENDANT PADILLA:** Yes, your Honor.

6           **THE COURT:** Mr. Fernandez?

7           **DEFENDANT FERNANDEZ:** Yes, sir.

8           **THE COURT:** Ms. Deplanty?

9           **DEFENDANT DEPLANTY:** Yes, sir.

10          **THE COURT:** Mr. Hernandez?

11          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

12          **THE COURT:** And Mr. Pina?

13          **DEFENDANT PINA:** Yes, your Honor.

14          **THE COURT:** And besides this plea agreement, has  
15 there been any other promise or assurance or agreement of any  
16 kind made with you in exchange of your guilty plea this  
17 morning?

18               Ms. Tovar?

19          **DEFENDANT TOVAR:** No, your Honor.

20          **THE COURT:** Mr. Trevino?

21          **DEFENDANT TREVINO:** No, your Honor.

22          **THE COURT:** Mr. Morales?

23          **DEFENDANT MORALES:** No, your Honor.

24          **THE COURT:** Mr. Jimenez?

25          **DEFENDANT JIMENEZ:** No, your Honor.

1           **THE COURT:** Mr. Rodriguez?

2           **DEFENDANT RODRIGUEZ:** No, your Honor.

3           **THE COURT:** Mr. Perez?

4           **DEFENDANT PEREZ:** No, your Honor.

5           **THE COURT:** Mr. Padilla?

6           **DEFENDANT PADILLA:** No, your Honor.

7           **THE COURT:** Mr. Fernandez?

8           **DEFENDANT FERNANDEZ:** No.

9           **THE COURT:** Ms. Deplanty?

10          **DEFENDANT DEPLANTY:** No, sir.

11          **THE COURT:** Mr. Hernandez?

12          **DEFENDANT HERNANDEZ-VASQUEZ:** No.

13          **THE COURT:** And Mr. Pina?

14          **DEFENDANT PINA:** No, your Honor.

15          **THE COURT:** Your plea agreements with your Government  
16 are all non-binding plea agreements. And what that means is  
17 the Court is not bound or required to follow them, and you will  
18 have no right to take back or withdraw your guilty plea if I do  
19 not follow the recommendations or requests contained in this  
20 agreement, even if this results in a sentence less favorable to  
21 you than what was contemplated by this agreement.

22               Do each of you understand this about your non-binding  
23 plea agreements? Ms. Tovar?

24          **DEFENDANT TOVAR:** Yes, your Honor.

25          **THE COURT:** Mr. Trevino?

1           **DEFENDANT TREVINO:** Yes.

2           **THE COURT:** Mr. Morales?

3           **DEFENDANT MORALES:** Yes, sir.

4           **THE COURT:** Mr. Jimenez?

5           **DEFENDANT JIMENEZ:** Yes, your Honor.

6           **THE COURT:** Mr. Rodriguez?

7           **DEFENDANT RODRIGUEZ:** Yes, your Honor.

8           **THE COURT:** Mr. Perez?

9           **DEFENDANT PEREZ:** Yes, your Honor.

10          **THE COURT:** Mr. Padilla?

11          **DEFENDANT PADILLA:** Yes, your Honor.

12          **THE COURT:** Mr. Fernandez?

13          **DEFENDANT FERNANDEZ:** Yes, sir.

14          **THE COURT:** Ms. Deplanty?

15          **DEFENDANT DEPLANTY:** Yes, sir.

16          **THE COURT:** Mr. Hernandez?

17          **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

18          **THE COURT:** And Mr. Pina?

19          **(No audible response)**

20          **THE COURT:** Okay. The Government has also agreed  
21 that they will ask the Court to dismiss the remaining charges  
22 against you when you come back here to be sentenced. You need  
23 to understand that I am not required to do that; but if I am  
24 not going to dismiss the remaining charges against you, then  
25 I'm required to advise you of this at the start of your

1 sentencing hearing and then give you the opportunity and the  
2 right to take back your guilty plea at that time.

3 Do each of you understand this? Ms. Tovar?

4 **DEFENDANT TOVAR:** Yes, your Honor.

5 **THE COURT:** Mr. Trevino?

6 **DEFENDANT TREVINO:** Yes, your Honor.

7 **THE COURT:** Mr. Morales?

8 **DEFENDANT MORALES:** Yes, your Honor.

9 **THE COURT:** Mr. Jimenez?

10 **DEFENDANT JIMENEZ:** Yes, your Honor.

11 **THE COURT:** Mr. Rodriguez?

12 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

13 **THE COURT:** Mr. Perez?

14 **DEFENDANT PEREZ:** Yes, your Honor.

15 **THE COURT:** Mr. Padilla?

16 **DEFENDANT PADILLA:** Yes, your Honor.

17 **THE COURT:** Mr. Fernandez?

18 **DEFENDANT FERNANDEZ:** Yes, sir.

19 **THE COURT:** And Ms. Deplanty?

20 **(No audible response)**

21 **THE COURT:** Okay. Knowing everything that I've  
22 explained to you here throughout this morning, would any of you  
23 at this time now like to change your mind and take back or  
24 withdraw your guilty plea which I will allow you to do?

25 Ms. Tovar?

1                   **DEFENDANT TOVAR:** No, your Honor.

2                   **THE COURT:** Mr. Trevino?

3                   **DEFENDANT TREVINO:** No, your Honor.

4                   **THE COURT:** Mr. Morales?

5                   **DEFENDANT MORALES:** No, your Honor.

6                   **THE COURT:** Mr. Jimenez?

7                   **DEFENDANT JIMENEZ:** No, your Honor.

8                   **THE COURT:** Mr. Rodriguez?

9                   **DEFENDANT RODRIGUEZ:** No, your Honor.

10                  **THE COURT:** Mr. Perez?

11                  **DEFENDANT PEREZ:** No, your Honor.

12                  **THE COURT:** Mr. Padilla?

13                  **DEFENDANT PADILLA:** No, your Honor.

14                  **THE COURT:** Mr. Fernandez?

15                  **DEFENDANT FERNANDEZ:** No, sir.

16                  **THE COURT:** Ms. Deplanty?

17                  **DEFENDANT DEPLANTY:** No, sir.

18                  **THE COURT:** Mr. Hernandez?

19                  **DEFENDANT HERNANDEZ-VASQUEZ:** No, your Honor.

20                  **THE COURT:** And Mr. Pina?

21                  **DEFENDANT PINA:** No, your Honor.

22                  **THE COURT:** Okay. Then, beginning over here to my  
23 right, Ms. Tovar, at this time the United States Attorney is  
24 now going to describe for me the facts that the Government was  
25 prepared to prove if your case had proceeded to a trial.

1           It's important to listen carefully because when she's  
2 finished describing all these facts about you, I'm going to ask  
3 you if what she said was true or not.

4           Ms. Ferko?

5           **MS. FERKO:** Beginning sometime in January 2001 until  
6 on or about January 2004, the defendant Yolanda Tovar entered  
7 into a conspiracy with Mary Rios, Jorge Garcia, Candido Arroyo  
8 Alvaron (all phonetic) and others known and unknown to possess  
9 with the intent to distribute more than five kilograms of  
10 cocaine.

11           On September 12, 2003, an FBI confidential informant  
12 introduced the two DEA undercover officers, hereinafter UCs, to  
13 Mary Rios at the Golden Corral Restaurant in McAllen, Texas.  
14 Rios was recruiting drivers for the Candido Arroyo Alvaron  
15 organization. Rios told the undercover officers that the  
16 travel destination would be Daytona, Florida; North Carolina;  
17 or Missouri and they received \$500 in expense money and \$6,000  
18 for driving the load.

19           On October 8th, 9th, and 10th, 2003, one of the  
20 undercover officers received a series of telephone calls from  
21 Rios indicating that she had a loaded vehicle for him and  
22 urging him to hurry to McAllen so they can take care of the  
23 insurance and registration.

24           On Monday, October 13th, 2003, the undercovers and  
25 Rios had a face to face meeting at the Holiday Inn. Rios was



1 accompanied by her sister-in-law, Yolanda Tovar. The purpose  
2 of this meeting was to arrange to get insurance for the load  
3 vehicle and have the vehicle registered in the undercovers'  
4 names.

5 In a recorded conversation with one of undercover  
6 officers, Yolanda Tovar gave several pointers for driving a  
7 load vehicle: travel to about 11:00, stay in a nice hotel, get  
8 on the road early, drive carefully, drive the speed limit. And  
9 she further indicated in the conversation that she had done  
10 this several times for Rios.

11 In furtherance of this conspiracy to possess with the  
12 intent to distribute cocaine, Yolanda Tovar assisted the  
13 undercover officers in obtaining insurance for the vehicle,  
14 pointing them out the location where they should purchase the  
15 insurance and accompanied them to the Hidalgo County building  
16 in an attempt to register the vehicle. The day she did that it  
17 was closed for the holiday.

18 On October 13th -- excuse me, October 14th, 2002,  
19 Rios brought the load vehicle to the hotel and gave the  
20 undercover the car key. The undercovers traveled to St. Louis,  
21 Missouri where they received calls from Rios. Once in St.  
22 Louis, Missouri, the cocaine -- approximately 9 kilograms --  
23 was removed from the hidden compartments in the vehicle. After  
24 the cocaine was removed, the undercovers took the vehicle to a  
25 Holiday Inn which was openly transferred to Jose Eramoso Frito

1 and Cornell Atkins (both phonetic).

2 **MR. QUINTANILLA:** We have just one comment about  
3 these events.

4 **THE COURT:** Uh-huh?

5 **MR. QUINTANILLA:** It's true that she told the  
6 undercover agent, gave her several pointers, but the conclusion  
7 that this indicated that she had done this several times for  
8 Rios -- Rios is her sister-in-law.

9 **THE COURT:** Uh-huh?

10 **MR. QUINTANILLA:** But the truth of the matter is, is  
11 that her husband, Rios' brother, Yolanda's husband, told her to  
12 make sure the driver knows these tips. It's not that she had  
13 done this before for Rios; that the husband had told her to  
14 make sure the driver gets these tips.

15 **THE COURT:** Okay. Ms. Ferko?

16 **MS. FERKO:** Your Honor, I don't think that changes  
17 anything as far as the substantial actions in the case.

18 **THE COURT:** Okay, Ms. Tovar, you've heard the  
19 government describe these facts in your case. Were the facts  
20 stated true and correct?

21 **DEFENDANT TOVAR:** Yes.

22 **THE COURT:** Okay. So, is the government going to --  
23 or does the government have evidence that this was her only  
24 load? Or was not her only load?

25 **MS. FERKO:** Your Honor, I cannot speak to that at

1 this point in time.

2 **MR. QUINTANILLA:** There's no evidence that there were  
3 any other loads, your Honor.

4 **THE COURT:** Okay. Okay. Well, I know this is not  
5 Ms. Ferko's case. This is Ms. Profit, who's not here this  
6 morning.

7 **MS. FERKO:** Your Honor, she had to be in Judge  
8 Hinojosa --

9 **THE COURT:** Yes, I understand that everybody was kind  
10 of split. Okay. Let's move on. Mr. Trevino, the government  
11 is now going to describe for me the facts in your case. Please  
12 listen carefully.

13 **MR. ALANIZ:** On June 5th, 2007, Jaime Lee Trevino,  
14 knowing and in reckless disregard of the fact that Ling Lin  
15 (phonetic) was an alien who had come to enter or remain in the  
16 United States in violation of law, did knowingly transport,  
17 move, attempt to transport and attempt to move said alien in  
18 furtherance of such violation of law within the United States;  
19 that is, from a location near Hidalgo County, Texas to another  
20 location in Falfurrias, Texas by means of a motor vehicle for  
21 the purpose of commercial advantage and private financial gain.

22 On that day, border patrol agents patrolling several  
23 miles north of the Falfurrias, Texas border patrol checkpoint  
24 saw two pickup trucks driven by Jaime Trevino and Julia Trevino  
25 (phonetic) stopped on the side of Highway 281. At that time,

1 the agents saw a group of individuals coming out of the brush  
2 and towards the two pickup trucks. The agents then arrested  
3 Jaime Trevino and Julia Trevino, along with 29 illegal aliens,  
4 including Ling Lin.

5           Ling Lin is an alien, that is, a citizen of China,  
6 and not this United States, who would come to, enter and remain  
7 in the United States in violation of law. Mr. Trevino knew  
8 that Ling Lin was an alien who was in the United States  
9 illegally and Mr. Trevino knowingly aided and abetted the  
10 transportation, movement and attempted transportation and  
11 movement of Ling Lin by driving the pickup truck past the  
12 Falfurrias, Texas border patrol checkpoint and attempting to  
13 leave the pickup truck on the side of the road for the illegal  
14 aliens to use to travel to Houston, Texas. And he committed  
15 the offense for the purpose of commercial advantage, personal  
16 gain, and he was going to be paid for the aid and  
17 transportation of this alien.

18           **THE COURT:** Mr. Trevino, were these facts stated by  
19 the United States Attorney true and correct?

20           **DEFENDANT TREVINO:** Yes, sir.

21           **THE COURT:** Is there any part of what he said that  
22 you would change?

23           **DEFENDANT TREVINO:** No.

24           **THE COURT:** Okay. Mr. Morales, if you would now  
25 please listen carefully.

1                   **MS. FERKO:** On or about August 14th, 2008, Jose  
2                   Joaquin Morales, the defendant, did knowingly and intentionally  
3                   possess with the intent to distribute more than 5 kilograms of  
4                   cocaine, to wit, 6 kilograms of cocaine, near Edinburg, Texas.

5                   On the date in question, law enforcement approached  
6                   the defendant while at the Edinburg Airport. A search was  
7                   conducted by Hidalgo County Sheriff officer canine and the dog  
8                   alerted to the defendant's tote bag, the area where the  
9                   defendant had been sitting and on a trash can located in the  
10                  men's restroom. Agents recovered six bundles, that is,  
11                  approximately six kilos of cocaine from the inside liner of the  
12                  trash can.

13                  Post-Miranda, defendant Morales stated that he  
14                  purchased the six bundles of cocaine in McAllen, Texas. He  
15                  further stated that he had chartered a plane for \$23,000 in  
16                  cash to fly back to Baltimore, Maryland; put the six bundles in  
17                  the restroom while he waited.

18                  He further stated that he intended to sell each  
19                  bundle for approximately 29 to 30 thousand dollars back in  
20                  Baltimore. Defendant Morales knew that the bundles contained a  
21                  controlled substance, to wit, cocaine, and knew what he was  
22                  doing was a violation of law.

23                  **THE COURT:** Mr. Morales, were these facts stated by  
24                  the U.S. Attorney true and correct?

25                  **DEFENDANT MORALES:** Yes, sir.

1           **THE COURT:** Okay. Mr. Jimenez, if you'd please  
2 listen carefully.

3           **MS. ALLEN-MCCOY:** On or about November 24th, 2008,  
4 the defendant did knowingly and intentionally import into the  
5 United States of America from the United Mexican States more  
6 than 50 grams, that is, approximately 3.2 kilograms of  
7 methamphetamine, a Schedule II controlled substance.

8           On the day in question, the defendant entered the  
9 United States through the Pharr, Texas port of entry driving a  
10 Ford F-150. During secondary, Customs and Border Protection  
11 officers discovered six bundles of methamphetamine, a Schedule  
12 II controlled substance, concealed inside the heater  
13 compartment, weighing approximately 3.2 kilograms.

14           The defendant knew there was a controlled substance  
15 concealed in the vehicle when he drove the vehicle from Mexico  
16 into the United States.

17           **THE COURT:** Mr. Jimenez, are these facts stated true  
18 and correct?

19           **DEFENDANT JIMENEZ:** Yes, your Honor.

20           **THE COURT:** Okay. Mr. Rodriguez, if you'd now please  
21 listen carefully.

22           **MR. WELLS:** On or about October 2008, the co-  
23 defendant Geraldo Zamorez-Reynosa (phonetic) approached the  
24 victim Sergio Cepeda and informed the victim that he needed a  
25 working agreement with the Zetas in order to continue his drug

1 trafficking activities. When Cepeda refused, other co-  
2 conspirators were recruited to lure the victim to a ranch  
3 located near Mission, Texas where the victim would be kidnapped  
4 and taken into Mexico.

5 On or about September 8, 2008, the victim arrived at  
6 the ranch and was immediately taken hostage. The victim was  
7 later placed in the defendant's vehicle and driven into Mexico,  
8 where he was held for ransom.

9 On or about September 8, 2008, the defendants did  
10 willfully and unlawfully kidnap, abduct, seize, confine,  
11 (indiscernible) to carry away Sergio Cepeda and transport  
12 Sergio Cepeda in interstate and foreign commerce and hold him  
13 for ransom, reward and for otherwise some benefit or purpose,  
14 ransom in the amount of \$40,000 and two vehicles.

15 The defendant aided and abetted in the kidnapping by  
16 providing his vehicle, knowing that it would be used to  
17 transport the victim into Mexico.

18 **THE COURT:** Mr. Rodriguez, are these facts stated  
19 true and correct?

20 **DEFENDANT RODRIGUEZ:** Yes, your Honor.

21 **THE COURT:** Any part of what he said that you would  
22 change?

23 **DEFENDANT RODRIGUEZ:** No, your Honor.

24 **THE COURT:** Okay. Mr. Perez, if you would now please  
25 listen carefully.

1           **MR. ALANIZ:** On December 27, 2008, Mr. Perez did  
2 knowingly and intentionally possess with intent to distribute a  
3 controlled substance, to wit, more than 50 but less than 100  
4 kilograms, that is, approximately 58 kilograms of marijuana.  
5 On that date, the defendant drove a vehicle to the Hidalgo,  
6 Texas port of entry from Mexico into the United States. During  
7 inspection of the vehicle, agents found approximately 58  
8 kilograms of marijuana hidden in the tires of the vehicle.

9           The defendant possessed the marijuana with the intent  
10 to deliver and transfer possession to another individual.

11           **THE COURT:** Mr. Perez, are these facts stated by the  
12 U.S. Attorney true and correct?

13           **DEFENDANT PEREZ:** Yes, sir.

14           **THE COURT:** Okay. Messrs. Padilla and Fernandez, if  
15 the two of you would now please listen carefully.

16           **MS. FERKO:** From on or about January 12, 2009 to on  
17 or about January 14, 2009, defendants Daniele Raul Quintana  
18 (phonetic), Ramon Padilla, Jr., and Sergio Luis Fernandez did  
19 knowingly and intentionally conspire and agree together with  
20 person or persons known and unknown to the Grand Jurors to  
21 knowingly and intentionally possess with the intent to  
22 distribute a controlled substance in volume more than 100  
23 kilograms but less than 1,000 kilograms of marijuana, a  
24 Schedule I controlled substance.

25           On the date in question, DPS troopers conducted a



1 traffic stop on a tractor-trailer being driven by defendant  
2 Fernandez. Troopers conducted a search of Fernandez' tanker  
3 trailer, in which they discovered 577 kilograms of marijuana  
4 located in secreted compartments located inside each of the  
5 tankers.

6 The defendants entered into an agreement together to  
7 possess the marijuana with the intent to deliver or transfer  
8 possession to another individual. Each defendant knew the  
9 unlawful purpose of the agreement, joined in it willfully; that  
10 is, with the intent to further the unlawful purpose.

11 Defendant Padilla furthered the unlawful purpose of  
12 the agreement by providing the equipment used to facilitate the  
13 loading of the marijuana and transportation of the marijuana  
14 and, specifically, loaded the marijuana into the tanker  
15 trailer.

16 Defendant Fernandez furthered the unlawful purpose of  
17 the agreement by allowing his tanker to be used to transport  
18 the marijuana and by driving the tanker, knowing it contained  
19 marijuana to another location.

20 **THE COURT:** Mr. Padilla, were the facts stated by the  
21 United States Attorney true and correct?

22 **DEFENDANT PADILLA, JR.:** Yes, your Honor.

23 **THE COURT:** Okay. Mr. Fernandez, were the facts  
24 stated by the U.S. Attorney true and correct?

25 **DEFENDANT FERNANDEZ:** Yes, your Honor.

1           **THE COURT:** Okay, Ms. Deplanty, if you would now  
2 please listen carefully.

3           **MS. RIGNEY:** On or about February 20th, 2009, the  
4 defendant did knowingly and intentionally import into the  
5 United States from Mexico 3.8 kilograms of cocaine, a Schedule  
6 II controlled substance.

7           On the day in question, the defendant drove into the  
8 United States from Mexico at the Hidalgo, Texas port of entry.  
9 Upon inspection of her vehicle, inspectors found 3.8 kilograms  
10 of cocaine located in the vehicle's oil pan.

11           The defendant knew the vehicle she drove across the  
12 border contained a controlled substance.

13           **THE COURT:** Ms. Deplanty, were the facts stated by  
14 the United States Attorney true and correct?

15           **DEFENDANT DEPLANTY:** Yes.

16           **THE COURT:** Okay, Mr. Hernandez, if you'd now please  
17 listen carefully.

18           **MS. FERKO:** On or about April 18th, 2009, defendant  
19 Jose Oriol Hernandez-Vasquez, in reckless disregard of the fact  
20 that Jose Soto-Lopez, Porfirio Sinfuentes-Villanueva and Monica  
21 Grimaldo, aliens who had come to, entered and remained in the  
22 United States in violation of law, did knowingly transport,  
23 move, attempt to transport and attempt to move said aliens from  
24 a location near Los Ebanos, Texas to another location near  
25 Sullivan City, Texas by means of a motor vehicle.

1           On that day, law enforcement initiated a traffic stop  
2 on a vehicle driven by the defendant Hernandez-Vasquez. The  
3 defendant Hernandez-Vasquez was determined to be a Mexican  
4 citizen with a valid B-1/B-2 laser and Jose Soto-Lopez,  
5 Porfirio Sinfuentes-Villanueva and Monica Grimaldo were all  
6 citizens of Mexico and non-citizens of the United States, along  
7 with another illegal alien, were apprehended by law  
8 enforcement.

9           Jose Soto-Lopez stated he was going to pay \$500 to be  
10 smuggled to Mission, Texas. Defendant Hernandez-Vasquez knew  
11 or reckless disregarded the fact that these individuals were  
12 aliens who had come to, entered and remained in the United  
13 States in violation of law. He knew what he was doing was  
14 wrong, but did it anyway.

15           **THE COURT:** Mr. Hernandez, were these facts stated by  
16 the United States Attorney true and correct?

17           **DEFENDANT HERNANDEZ-VASQUEZ:** Yes, sir.

18           **THE COURT:** Okay. Mr. Pina, if you'd now please  
19 listen carefully.

20           **MS. RIGNEY:** On or about April 21st, 2009, Roberto  
21 Jason Pina, knowing and in reckless disregard of the fact that  
22 Miguel Angel Aguilar-Diaz DeLeon was an alien who had come to,  
23 entered and remained in the United States in violation of law  
24 and did knowingly transport, move, attempt to transport and  
25 attempt to move said alien in furtherance of such violation of

1 law within the United States; that is, from a location near  
2 Roma, Texas to another location near Roma, Texas by means of a  
3 motor vehicle for the purpose of commercial advantage and  
4 private financial gain.

5 On the day in question, federal agents observed  
6 several subjects run from the Rio Grande River into a vehicle.  
7 Agents identified the driver of the vehicle as Roberto Jason  
8 Pina. Upon inspection of the vehicle, agents found Miguel  
9 Angel Aguilar-Diaz DeLeon and four other aliens in the vehicle  
10 as passengers.

11 Agents determined that the five individuals were  
12 aliens; that is, citizens of Mexico and non-citizens of the  
13 United States who did not have permission to be in the United  
14 States.

15 The defendant knew and recklessly disregarded the  
16 fact that five individuals were aliens who had come to, entered  
17 and remained in the United States in violation of law.  
18 Defendant knew the unlawful purpose of the agreement and joined  
19 it willfully; that is, with the intent to further its unlawful  
20 purpose.

21 Defendant furthered the unlawful purpose of the  
22 agreement by driving the vehicle and picking up the illegal  
23 aliens near Roma, Texas and by transporting them to another  
24 location near Roma, Texas with the intent to further their  
25 unlawful presence in the United States.

1           The defendant further admitted that he was to be paid  
2 to transport said aliens.

3           **THE COURT:** Mr. Pina, were these facts stated by the  
4 U.S. Attorney true and correct?

5           **DEFENDANT PINA:** Yes, your Honor.

6           **THE COURT:** Okay. It's the finding of the Court,  
7 then, in each of these cases that each of these defendants is  
8 competent and capable of entering informed pleas. Each of them  
9 understands the nature of these charges, the consequences of  
10 their guilty pleas and the maximum punishment that they face  
11 and these pleas of guilty are knowing and voluntary pleas  
12 supported by facts that contain each of the elements of the  
13 offense.

14           The Court, therefore, accepts each of these guilty  
15 pleas and each of these defendants is adjudged guilty of the  
16 offense.

17           Okay. The next step in this process for all 11 of  
18 you is that a probation officer will be assigned to your case.  
19 That officer is responsible for preparing the pre-sentence  
20 report about you. That's a report the Court relies upon in  
21 part in determining a fair sentence for you.

22           The officer will contact you in the next couple of  
23 weeks. They'll ask you questions about your family, your  
24 education, your employment, this incident and other criminal  
25 history and similar questions. And after they gather all of

1 this information, they will type up the report. A copy is  
2 given to your lawyer who will meet with you -- required to meet  
3 with you and review the report with you to make sure everything  
4 there is correct.

5 And then, you'll come back here to be sentenced in  
6 late July and when you do, you'll have the opportunity to speak  
7 to the Court. If there's anything you want me to consider in  
8 determining a fair sentence for you, you'll have the chance to  
9 bring it to my attention at that time.

10 I'm ordering in your cases, Ms. Tovar, Mr. Trevino,  
11 Mr. Morales, Jimenez, Rodriguez; in your five cases I'm  
12 ordering that the pre-sentence report be prepared by June 15th  
13 with any objections within two weeks. And the five of you are  
14 set for sentencing here on Monday, July 20th at 2:00 p.m. --  
15 Monday, July 20th at 2:00 p.m.

16 For the rest of you, Mssrs. Perez, Padilla,  
17 Fernandez, Deplanty, Hernandez, Pina; in your six cases I'm  
18 ordering that the pre-sentence report be prepared by June 17th,  
19 with any objections within two weeks. And the six of you are  
20 set for sentencing here on Wednesday, July 22nd at 2:00 p.m. --  
21 Wednesday, July 22nd at 2:00 p.m.

22 Okay. Messrs. Trevino and Perez, you'll need to  
23 remain here. Everyone else -- well, I'm sorry. Are you on  
24 bond, also? Anybody who's on bond must remain here. If you're  
25 in custody, you're dismissed at this time.

1           **MR. QUINTANA:** May it please the Court. Can I  
2 approach the bench with Mr. Rodriguez?

3           **THE COURT:** Okay. You may. Who's the lawyer on that  
4 case?

5           **MR. QUINTANA:** Mr. Wells.

6           **(Sealed Bench conference 11:00 a.m. to 11:02 a.m.)**

7           **THE COURT:** Okay. Mr. Trevino, any prior criminal  
8 history?

9           **MR. MERINO:** No, your Honor.

10          **THE COURT:** How many aliens? This is an alien case,  
11 right?

12          **MR. ALANIZ:** Twenty-nine at that time, Judge.

13          **THE COURT:** Twenty-nine?

14          **MR. ALANIZ:** Yes, sir. At this time we'd ask the  
15 Court to find special circumstances, Judge. We need to meet  
16 with Mr. Trevino. We'd ask the Court to have him stay out on  
17 bond.

18          **THE COURT:** He's a stash house operator, allegedly?

19          **MR. ALANIZ:** No, Judge. Basically a driver. He  
20 would deliver the vehicle north of the checkpoint and drive it  
21 off. Some scouting. Scouting for law enforcement officers.

22          **THE COURT:** How were there so many aliens?

23          **MR. ALANIZ:** I'm sorry, Judge?

24          **THE COURT:** There's a lot of aliens.

25          **MR. ALANIZ:** There was 29 on that particular day,

1 yes, sir, that were seized at that time. Arrested.

2           **THE COURT:** Okay. Were they all in a vehicle? Were  
3 they on foot?

4           **MR. ALANIZ:** What happened, Judge, is they dropped  
5 off the aliens south of the checkpoint.

6           **THE COURT:** Uh-huh.

7           **MR. ALANIZ:** They walked around the checkpoint.

8           **THE COURT:** Sure.

9           **MR. ALANIZ:** Mr. Trevino and his co-defendant drove  
10 two trucks north of the checkpoint --

11           **THE COURT:** To pick them up.

12           **MR. ALANIZ:** -- and they were going to drop them off.  
13 They just drop off the trucks --

14           **THE COURT:** Ah, okay.

15           **MR. ALANIZ:** -- and the aliens, along with -- the  
16 driver usually is the walker.

17           **THE COURT:** The guide.

18           **MR. ALANIZ:** And they get picked up and then they  
19 scout all the way to Houston. They don't drive the trucks with  
20 the load themselves.

21           **THE COURT:** Okay.

22           **MR. ALANIZ:** But his role was to drop off the truck -  
23 -

24           **THE COURT:** Uh-huh.

25           **MR. ALANIZ:** -- on the side of the road so the aliens



1 could use it to go to Houston.

2 **THE COURT:** Okay. But he's --

3 **MR. MERINO:** It was two pickups, Judge.

4 **MR. ALANIZ:** Two pickup trucks, yes.

5 **THE COURT:** Okay. Wow. Well, there's a lot of  
6 issues on that case. Two pickups? They were going to  
7 transport these people in the rear bed of a pickup -- 29 people  
8 in two pickups.

9 **MR. ALANIZ:** If we could approach the Court? I mean,  
10 I don't want to -- could we approach the Court real quick?

11 **THE COURT:** Okay.

12 **(Sealed Bench conference from 11:04 a.m. to 11:06 a.m.)**

13 **THE COURT:** Okay. You're excused, Mr. Trevino.  
14 Ms. Deplanty?

15 **MR. BRYAN:** Yes, your Honor.

16 **THE COURT:** Okay. Here, let me give this one back to  
17 you.

18 **MR. BRYAN:** Your Honor, I guess we would -- she's  
19 never been in trouble before, your Honor. She's been complying  
20 with pretrial services.

21 **THE COURT:** What are her -- are there any special --

22 **MR. BRYAN:** There are, your Honor.

23 **THE COURT:** -- conditions?

24 **MR. BRYAN:** There have already been previous  
25 meetings.

1           **THE COURT:** She's a 5 to 40? Or she's a 10 to life?

2           **MR. BRYAN:** Five to 40. There's already been  
3 meetings, your Honor, in furtherance of the investigation.  
4 There's a second meeting scheduled for today. And we believe  
5 that it's important to the ongoing --

6           **THE COURT:** Well, okay. Let me -- who's the agent?  
7 Ms. Rigney? Sorry, the lawyer; not the agent.

8           **(Sealed Bench conference from 11:07 a.m. to 11:12 a.m.)**

9           **(A recess was taken from 11:12 a.m. to 12:02 p.m.)**

10          **THE COURT:** Okay. Good morning, again. Please be  
11 seated. Okay. We're here in Ms. Deplanty's case, which is  
12 09cr262, *U.S.A. versus Anita Deplanty*.

13          **MS. RIGNEY:** Government's present and ready.

14          **THE COURT:** Okay. Tell me the status of what  
15 happened?

16          **MR. BRYAN:** Your Honor, my understanding is the  
17 government wouldn't have any objection to Ms. Deplanty  
18 remaining out on bond; however, I think the government would  
19 like perhaps a status hearing to be set 30 days from now to --

20          **THE COURT:** What happened for the last 45 minutes?  
21 Did she do anything? Did she talk to the agents?

22          **MS. RIGNEY:** She actually met with Agent Renaud, who  
23 is in the courtroom.

24          **MR. BRYAN:** Your Honor, we've also -- we've contacted  
25 our Houston office and we're going to make arrangements to have

1 Ms. Deplanty travel to Houston in order to be taken to sites to  
2 verify some of the information she's already given. She's out  
3 on bond. She can travel at her own expense, your Honor.

4 That's all we're requesting, the 30 days. That way  
5 to allow the information either to come to fruition or, if it  
6 hasn't and she's been given that opportunity to do so or the  
7 information hasn't panned out, and then the government after 30  
8 days can request that her bond be revoked.

9 **THE COURT:** Ms. Rigney, did Ms. Deplanty appear to be  
10 open, forthcoming, flowing with information? Or did it appear  
11 as though she was holding back information, being less than  
12 forthright?

13 **MS. RIGNEY:** Your Honor, while she did identify an  
14 individual who she was able to confirm with agents, it did not  
15 appear that she was being forthcoming. To me, it did not  
16 appear that she was being open. In fact, I was definitely  
17 questioning some of what she was saying just didn't make sense.

18 **THE COURT:** I don't need her out on bond. Being out  
19 on bond is a -- you don't have a right to be out on bond.

20 **DEFENDANT DEPLANTY:** May I say something?

21 **THE COURT:** No, I've heard enough. I've heard  
22 enough. I gave you a chance. I gave you 30 to 45 minutes to  
23 meet with an agent to be truthful, candid, forthright, honest;  
24 to give me your attempts to come clean on this case; to help  
25 yourself. It was something -- it was an opportunity I was

1 giving you I didn't have to give you and you blew it. So,  
2 you're going to be in custody now.

3 If things change in 30 days, you can always file a  
4 motion to reconsider. Okay. I'm going to remand you to the  
5 custody of United States Marshals.

6 **THE CLERK:** All rise.

7 **(Proceeding was adjourned at 12:05 p.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is written above a horizontal line.

Signed

July 29, 2010

Dated

*TONI HUDSON, TRANSCRIBER*